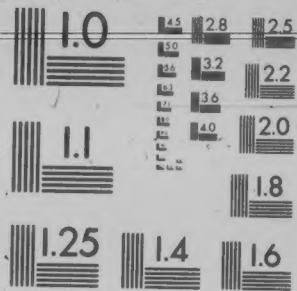
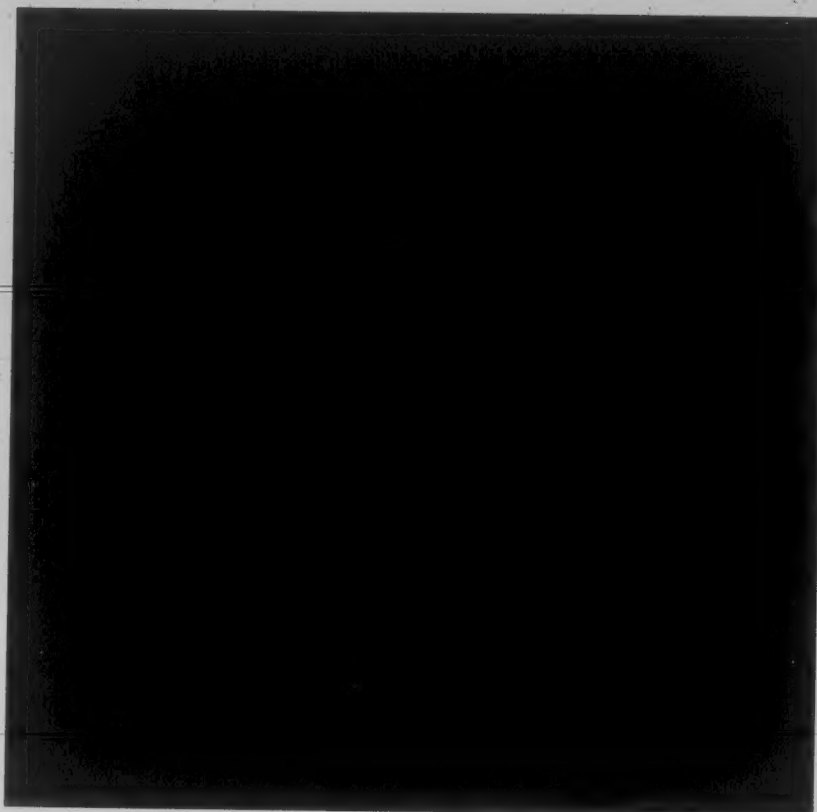
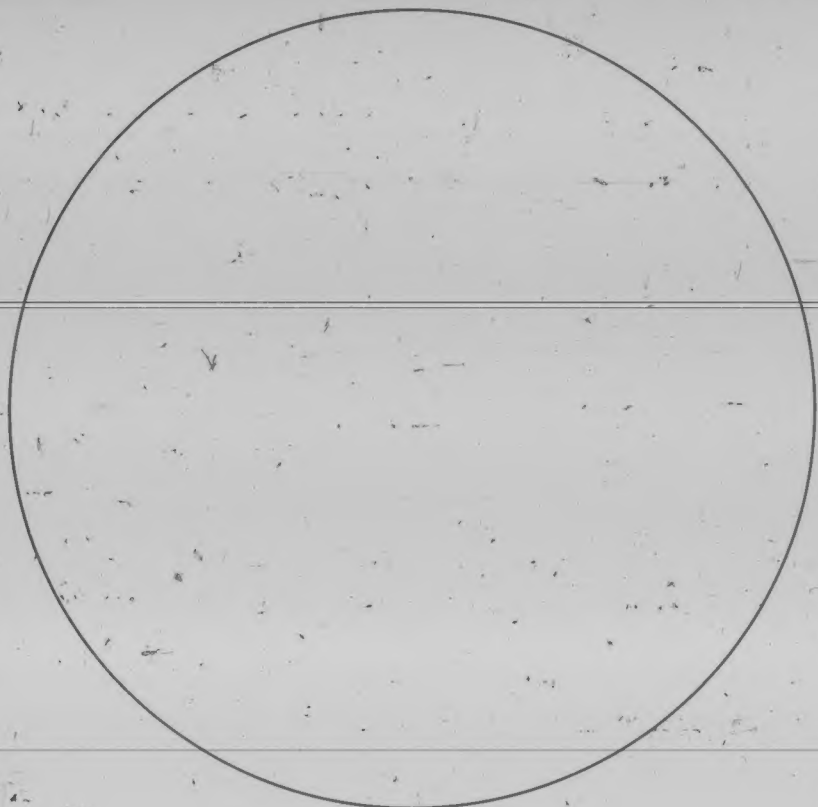
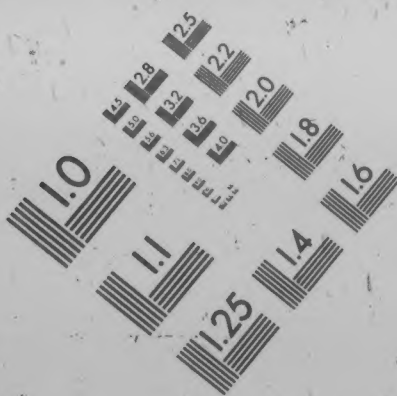
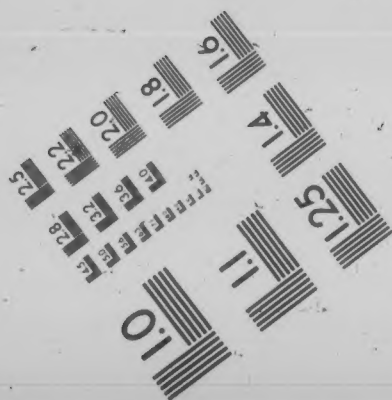
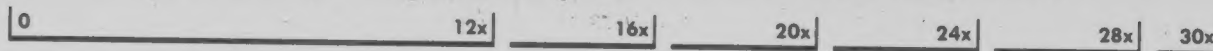


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FORT WORTH, TEXAS



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Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 385

CHEROKEE FREEDMEN R835 - R852

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Cher Fr R 833

Trans. from Cher Fr D 97

Cher Fr R 833

APR 14 1901  
F. I. T. B. T.  
MISSION TO THE FIVE CIVILIZED NATIONS  
DEPARTMENT OF THE INTERIOR

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MISSION TO THE FIVE CIVILIZED NATIONS  
DEPARTMENT OF THE INTERIOR

APR 14 1901

CHIEF

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ft. Gibson, I. T., April 17, 1901.

In the matter of the application of Isaac Johnson for the enrollment of himself, his wife, Matilda Johnson, and his six children as Cherokee Freedmen; he being sworn and examined by Commissioner T.B. Needles, testified as follows:

- Q What is your name? A Isaac Johnson.  
Q What is your age, Mr. Johnson? A 66 years of age.  
Q What is your postoffice? A Muldrow.  
Q What district do you live in? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir, I have been disputed.  
Q But you apply now to be enrolled, do you? A Yes sir.  
Q Did you ever apply to be enrolled by any other nation or tribe?  
A No sir.  
Q You say your citizenship has been disputed? A Yes sir.  
Q Is your name on the roll of 1880? A No sir, on the Wallace roll.  
Q Did you draw strip money? A Yes sir.  
Q Who do you desire to enroll besides yourself? A Five children.  
Q Under Age? A Two of them of age and married.  
Q Then you apply for the enrollment of yourself and three children?  
A Yes sir.  
Q What is the name of the oldest child under age? A Paul, 20 years old. Then another one 18 years old.  
Q What is its name? A Isaac Johnson.  
A There's a girl, 17, Lulu Johnson.  
Q Are you married? A Yes sir, I have been married twice.  
Q Your wife living? A One of them is dead; my first wife is dead.  
Q Your present wife is a citizen? A Yes sir.  
Q You apply for her? A Yes sir.  
Q What is her name? A Matilda.  
Q How old is she? A She's 28 years.  
Q What was her father's name? A Boss West.  
Q Is he living? A Yes sir.  
Q What is her mother's name? A Her mother is dead; her mother was named Millie West.  
Q Were they Freedmen? A I don't know; her father is; I don't know whether her mother is or not. I don't believe her mother applied for citizenship.  
Q Was she married before she married you? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicants are not found of record thereon.

The 1896 census roll and the Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicants are not found of record thereon.

- Q You apply for her also? A Yes sir.  
Q Were you a slave? A Yes sir.  
Q What was the name of your owner? A Ben Johnson.  
Q Was he a Cherokee citizen? A Yes sir. He was married to a Cherokee wife; he was an adopted citizen.  
Q Where were you at the beginning of the war between the United States and the Confederacy? A Here in the Cherokee Nation.  
Q Did you go out of the Cherokee Nation during the war? A I did a little while.  
Q Where to? A Choctaw country.  
Q Did you ever go farther south than the Choctaw Nation? A No sir.  
Q When did you return to the Cherokee Nation? A In '66.  
Q Have you been living in the Cherokee Nation ever since? A Yes sir.  
Q How about your wife, was she a born slave? A No sir.

- Q Was her father a slave? A Yes sir, named Boss West.  
Q Where was he during the war? A I think in Texas.  
Q You know when he returned? A As well as I understand I think they came back in '66; I think they did, I am not certain. I think they come back in '66.  
Q Where were these children born, Paul, Isaac and Lulu? A In the Cherokee Nation.  
Q Is Matilda West their mother? A No, the first wife I spoke to you about.  
Q What was her name? A Lucy Jane Berry.  
Q Was she a Freedman? A She was disputed as well as I understood.  
Q Her name is not on the roll of 1880? A No sir.  
Q Were you married to her? A Yes sir.

Examination by J. S. Davenport-

- Q You say you went to the Choctaw Nation, Isom? A I did, I went with Ben Johnson out there.  
Q Who was your owner, you say? A Ben Johnson.  
Q Well now, you came back to Sequoyah District in '66? A Yes sir.  
Q Who did you come back to Sequoyah District with? A With myself.  
Q Any one else along with you when you came? A I come by myself.  
Q By yourself? A Yes sir.  
Q When you came back to the Cherokee Nation, to what point did you go? A To the old home, just on this side of the river from Fort Smith.  
Q What place was it down by -- I A Ben Johnson place.  
Q Ben was your master? A He was.  
Q You were an applicant before the Kerns Clifton Commission for citizenship four years ago? A Yes sir.  
Q Didn't you testify that George Johnson was your owner? A George Johnson, of course, he was their father.  
Q Which was your owner Ben or George? A He is his son.  
Q Didn't you testify further that you came back to this country with George Johnson? A Of course, I come ahead of him.  
Q When you came back to the Johnson place, you know what Cherokee families who were living there? A His sister.  
Q What was her name? A Lila Starr.  
Q Whose wife was she? A Ellis Starr's wife.  
Q Was there anyone else living there of the Cherokee families you knew? A I don't know anybody else.  
Q Did you know a man by the name of Hickory Starr? A Yes sir.  
Q Did he come back before or after you did? A I don't know.  
Q Didn't you testify that Hickory Starr come back before you did? A No, I don't think I did.  
Q When you come back to the Cherokee Nation was there a man by the name of Bill Harnage living in Sequoyah at that time? A I don't know.  
Q Were you acquainted with Bill Harnage when you come back to the Cherokee Nation? A I wasn't acquainted with him, I seen him.  
Q Did you see him after the war closed; where was he living? A Out on the prairie as well as I remember.  
Q Didn't you testify before the Kerns Clifton Commission that Bill Harnage was living there near the Johnson place when you come back.  
A I don't remember that I did; he has a place near Payne's in the bottom.  
Q Was he living there when you come back? A I don't remember.  
Q Was Hickory Starr living in that neighborhood when you come back?  
A I don't remember exactly.  
Q You remembered four years ago that they were living there then?  
A He ~~may~~ may have been ~~there~~ I don't say he wasn't.  
Q Is George Johnson living or dead? A George Johnson is dead.

Commissioner-

- Q Isom, was you married to the mother of these children? A Yes sir.  
Q Their mother's name was Lucy Jane Berry? A Yes sir.  
Q Anybody here knows you were living with your wife at that time?

2- I. J.

A Yes sir, Albert Johnson.

Albert Johnson, being sworn and examined by Commissioner T. B. Needles, testified, as follows:

- Q What is your name? A Albert Johnson.  
Q How old are you? A 43.  
Q What is your postoffice address? A Benge.  
Q Are you a Cherokee Freedman? A I am.  
Q Acknowledged so by the Cherokee Nation? A Yes sir.  
Q You know Isom Johnson? A Yes sir, I know him.  
Q You know his wife, Lucy, who was the mother of Paul? A I remember her, yes.  
Q You know whether they were married or not? A I don't know whether they were married or not; they lived together.  
Q Did they live together as man and wife? A They were together.  
Q Were they acknowledged in the neighborhood as man and wife? A They were living together as far as I can tell; as far as they were man and wife I don't know; I am going to tell the truth.  
Q You say they were living together? A Yes sir.  
Q Do you know these children, Paul, Isaac, and Lulu? A Yes sir, I know them.  
Q Were they born while they were living together? A Some of them were there; I couldn't say whether all of them was born at that time or not.

Applicant recalled-

- Q Were you married to Lucy Johnson? A Yes sir.  
Q Where? A Over in Fort Smith. We went over there and married.  
Q Did you get a license to marry over there? A Yes sir.  
Q You can get a copy of this license? A Yes sir.

Mr J. S. Davenport-

- Q When were you married over there, in what year? A In 1875.

Commissioner-

- Q These children all living in the Cherokee Nation? A Yes sir.  
Q You state positively that you were a slave? A Yes sir.  
Q And that your owner's name was what? A Ben Johnson.  
Q And that you never left the Indian Territory during the war? A In the Choctaw Nation.  
Q You never went into any of the States? A No sir.  
Q Did you draw strip money? A Yes sir, I drew that \$15.50.  
Q The Wallace payment? A Yes sir.  
Q You didn't draw the strip payment? A No sir, they fit me so hard that I couldn't get nothing; they wouldn't give me my justice; they wouldn't give me no chance to register. The gentleman here he knows.  
Q Did you draw money for these children? A I drew for —  
Q I am talking about the strip money not the Wallace money? A No sir.  
Q I mean the money they got for the sale of the strip? A No sir.  
Q And for your wife neither? A No sir.  
Q You don't know whether your wife came back here in time or not? A No sir, I can't tell.

The name of Isom Johnson is not found upon the census roll of 1896, or the authenticated roll of 1880, nor the Kerns Clifton Roll. He applies for the enrollment of himself, his wife, Matilda, his three children, Paul, Isaac and Lulu; their names are not found upon ~~any~~ any roll of the Cherokee Nation in the possession of this Commission. By reason of the same and the facts as set forth in the testimony, final judgment as to the enrollment of Isom Johnson and his wife, Matilda, and his three children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card.

3- I. J.

Applicant- I have three younger children of this last woman.

- Q What are their names? A Adam Johnson.  
Q How old is Adam? A He's 8 years old.  
Q The next child? A Turner Johnson.  
Q How old is Turner? A 6.  
Q The next one? A Ida.  
Q How old is Ida? A Three years old.  
Q What is the name of their mother? A Matilda.  
Q Your present wife? A Yes sir.  
Q What was the name of the mother of Paul, Issac and Lulu? A Lucy Jane Berry.  
Q Was she a citizen? A No sir, she waen't.

Applicant also applies for the enrolment of his three children by his last wife. He avers the names of said children are Adam, Turner and Ida.

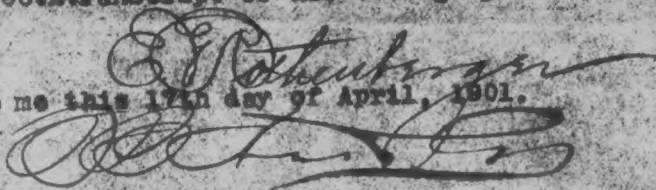
- Q Were you married to Matilda? A Yes sir.  
Q What proof have you? A I have a marriage certificate.

Applicant presents marriage license which is satisfactory proof as to his marriage to his present wife, Matilda.

The names of his children by his present wife, Matilda, Adam, Turner and Ida, are not found upon the census roll of 1896 nor upon the Kerns Clifton Roll, Final judgment as to their enrollment as Cherokee Freedmen will be suspended and their names will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 17th day of April, 1901.



Commissioner.



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

**FILED**  
**APR 17 1901**

*[Handwritten Signature]*

ACTING CHAIRMAN

RECORDED AND INDEXED

Approved: \_\_\_\_\_

Special Agent

MEMORANDUM OF TRANSMISSION

CHEROKEE FREEDMEN

*F 29*  
*Feb 28 1901*

*B*

CHEROKEE FREEDMEN.

Date APR 17 1901

Post Office Mildron

District 297

1. Name *Isom Johnson* Age *16 6*  
 Owner's name *Ben Johnson* Citizenship *Cherokee*  
 Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife *Mattilda Johnson* Age *28*  
 Owners name Citizenship  
 Year Page No. District

Parents:

Father *Ben West* Citizenship *Cal*

Mother *Millie West* Citizenship *Cal*

Names of Children:

No.	Name	Year	Page	No.	Dist.	
3.	<i>Josephine Paul Johnson</i>					<i>20</i>
4.	<i>Isaac Johnson</i>					<i>18</i>
5.	<i>Lutie Johnson</i>					<i>17</i>
6.	<i>Adam Johnson</i>					<i>8</i>
7.	<i>Jurrie Johnson</i>					<i>6</i>
8.	<i>Golda Johnson</i>					<i>3</i>
9.						
10.						
11.						
12.						

Application made by *Is (1)*

Stenographer *Rottenberger & G.*

"Certificate of marriage of Isaac Johnson to his first wife filed"

(Certificate of application to Mattilda West filed)

*(13) [Signature]* *Supplied*

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## Marriage License

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Mr. \_\_\_\_\_

TO

M \_\_\_\_\_

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NOTE—This License with Certificate duly executed and officially signed, must be returned to the office from whence it was issued within sixty days from the date of License, under penalty of forfeiture of the Bond. No minister of the Gospel is authorized to solemnize the rites of Matrimony until he shall have his License or Credentials recorded in some county in the State. He should then fill out the above blank certificate.

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Filed for record this \_\_\_\_\_ day

of \_\_\_\_\_

\_\_\_\_\_, Clerk.

By \_\_\_\_\_

\_\_\_\_\_, D. C.

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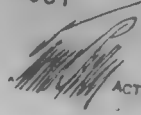
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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 17 1901

  
ACTING CHAIRMAN

# Marriage License

State of Arkansas,  
County of Sebastian,  
Port Smith District.

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. Isaac Johnson of the County of Sebastian State of Arkansas aged thirty seven years, and Miss Matilda Cook of the County of Sebastian State of Arkansas aged twenty one years, according to Law, and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 28<sup>th</sup> day of May 1891

*Seal*

Jesse A. Bell  
COUNTY CLERK  
BY J. H. McClure  
DEPUTY CLERK

## CERTIFICATE OF MARRIAGE

STATE OF ARKANSAS,  
County of Sebastian

Printed and For Sale by THRASH-LICK PRINTING CO., Fort Smith, Ark.

Form 116

### CLERK'S CERTIFICATE TO TRANSCRIPT

STATE OF ARKANSAS }  
County of Sebastian } ss. I, J. A. Bell  
Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the annexed and foregoing pages contain a true and complete transcript of the Record of the Marriage of Isaac Johnson to Matilda Cook

as therein set forth, and as the same appears of record, on page 401 Morning Record, Volume "J"  
Port Smith Dist. Sebastian County, Arkansas.

WITNESS my hand and official seal, this 12 day of April 1891  
J. A. Bell  
Clerk  
D. C.

Filed and duly recorded this 28<sup>th</sup> day of May 1891  
By J. H. McClure & C.

~~CONFIDENTIAL~~

STATE OF ARKANSAS,  
COUNTY OF SEBASTIAN,  
FORT SMITH DISTRICT.

I, T. N. REED, Clerk of the County Court of said County, certify that the above License and Certificate of the Marriage of Mr. \_\_\_\_\_ and \_\_\_\_\_

M \_\_\_\_\_

\_\_\_\_\_ filed in my office, and the same are now duly recorded on page \_\_\_\_\_ of Book \_\_\_\_\_ of Marriage Records.

Witness my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_

By \_\_\_\_\_

D. C. \_\_\_\_\_

1951  
1952  
1953  
1954  
1955

1951

5

Department of the Treasury  
Bureau of Internal Revenue  
Washington, D. C. 20548

Notice is hereby given that the following information is required to be reported on Form 1041, U.S. Income Tax Return for Estates and Trusts, for the calendar year 1982.

- (1) The total amount of income received by the estate or trust from all sources, including interest, dividends, capital gains, and other income.
- (2) The total amount of deductions allowed by law, including interest, taxes, and other deductions.
- (3) The total amount of income tax paid by the estate or trust during the year.
- (4) The total amount of income tax withheld during the year.
- (5) The total amount of income tax credits allowed by law.
- (6) The total amount of income tax refund received during the year.
- (7) The total amount of income tax liability for the year.
- (8) The total amount of income tax overpayment for the year.
- (9) The total amount of income tax deficiency for the year.
- (10) The total amount of income tax underpayment for the year.

Information on the above items should be reported on Form 1041, U.S. Income Tax Return for Estates and Trusts, for the calendar year 1982. The information should be reported in Part I of Form 1041.

Form 1041, U.S. Income Tax Return for Estates and Trusts, for the calendar year 1982, is available from the Internal Revenue Service. Form 1041 is required to be filed with the Internal Revenue Service for the calendar year 1982.

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2- I. J.

- Q What is your age? A About 42.  
Q What is your postoffice address? A Muldrow.  
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.  
Q You know Isaac Johnson? A Yes sir.  
Q Was he a slave? A Yes sir.  
Q What is his owner's name? A Ben Johnson.  
Q You know where he was during the war between the United States and the Confederacy? A No sir.  
Q What was the first time you saw him after the war? A In '66.  
Q Where? A Down here at the river across from Fort Smith, on this side.  
Q You are satisfied you saw him there in '66? A I know I did.

By W. F. Hastings-

- Q Where did you see him? A Down there on the river.  
Q On whose place? A I was living there some with Winerva Thompson.  
Q Where was he? A He had been up the river to see his Ma.  
Q Who was his mother? A Old Aunt Darkie Johnson.  
Q How far did you live from the old George Johnson place? A About half mile, but that's right on the bank of the river.  
Q Did you live there then? A Yes sir.  
Q That is where you saw this man in '66? A That is where I saw this man in '66.  
Q You are 42 years of age now? A I guess I am.  
Q Born in '24? A Yes sir.

Commissioner-

- Q How old was you when you saw him? A I don't know exactly how old I was.  
Q You was a boy, were you? A Yes sir.

George W. Vann, being sworn and examined by Commissioner Vardick, testified as follows:

- Q What is your name? A George W. Vann.  
Q What is your age? A Going on 57.  
Q What is your postoffice address? A Benge.  
Q You know Isaac Johnson? A I do.  
Q How long have you known him? A From a boy.  
Q You know where he was during the war between the United States and the Confederacy? A Part of the time.  
Q Where was that? A Part of the time he was with his Master, Ben Johnson, down here near Fort Smith.  
Q You know whether he was taken out of the Cherokee Nation or not? A I don't know :- yes, he did go out.  
Q When did he return? A He was gone about three months and come back. He run away he said, and then come back.  
Q You know where he was in '66? A I do.  
Q Where was he? A Over in the Choctaw Nation.  
Q In '66? A Yes sir, part of the time over there, and part of the time over here. I can explain to you how it comes; his young Master got killed and they accused him of having a part in it, and his brother, George Johnson, shot at him once and said he would kill him if he ever come on this place, and he went to the Choctaw Nation; I lived with Ben Johnson, his Master. He would slip over to where we were and when he would slip over to where we was, his brother George, would try and kill him. He stayed down there backwards and forwards until George got killed. I told him George Johnson was dead and when I told him he come home.  
Q What year was that? A That was about in '66, and all through he would slip back about two miles from the Choctaw Nation at nights and come home.  
Q Was he ever out of the Indian Territory? A I do not know, sir; he would be gone for a month or so; I don't know where he was.  
Q He wasn't a married man then? A No sir.

By W. F. Hastings-



- Q What year was Ben Johnson killed? A His master's name Ben; it was George.
- Q What year was George Johnson killed? A After the war.
- Q How long? A A good while. I don't know exactly.
- Q About how many years after the war? A I expect he was killed some six or seven years or more.
- Q During that six or seven years he never lived around the old Johnson place, this side of Fort Smith, Isom? A He would slip back on this side and as I told him George was killed at Van Buren, when I told him then he come back.
- Q He didn't live on the Cherokee side during that time? A I don't think he made his home there. The niggers seen him and some of the whites, but not any of the Johnson family, because they shot at him once.
- Q You were living with Johnson at that time? A I was living with Johnson six years before ever the war come up. I mean after the war. I didn't live with Johnson after Johnson ran away.
- Q Tell me whether you lived with Johnson after the war? A No sir.
- Q Where were you living in '66? A Living right here when they got up the war with Johnson.
- Q Where? A Over here between Arkansas River and Poteau where they took all the niggers away from there. Johnson started to take us away to Texas.
- Q Was that after the war? A Right in the war.
- Q I mean after the war? A I was living here near Fort Smith and around the Fort, where all the niggers were; I was right around there; I never lived with Johnson after the war.

Commissioner-

Q You think in the year '66 that this Isom Johnson was scouting backward and forward between the nation? A Yes sir, he slipped in where we were and kept out of his young master's way, because his young master accused him of having killed his brother.

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.

Subscribed and sworn to before me this 18th day of April, 1901.

  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I. T. , JULY 2d, 1901.

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

- Q What is your name? A. John West.  
Q What is your age? A. 33.  
Q What is your post office? A. Owase.  
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 Where were you born? A. Choctaw Nation.  
Q Where have you lived all your life? A. Here in the Cherokee Nation ever since I can remember.  
Q Did you ever apply to be enrolled to the Choctaw authorities?  
A No sir.  
Q Is your name on any ~~rolls~~ of the rolls of the Cherokee Nation?  
A Yes sir.  
Q On what rolls? A Kern-Clifton.  
Q What is your mother's name? A. Millie.  
Q What is your father's name? A. Boce.  
Q Is Boce living? A. Yes, sir.  
Q Mother living? A. No, sir.  
Q Do you belong to that West family that was here yesterday?  
A Yes, sir.  
Q What relation are you to Houston West? A. He is my uncle.

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

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 111, #2725, John West, Illinois district.

- Q Have you any children? A. No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 147, # 3067, John West, Sequoyah District.

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

- Q How old were you when you come from the Choctaw Nation up here?  
A I don't know.  
Q Where did you locate when you came? A. In Sequoyah.  
Q How long did you live in Sequoyah? A. I have lived there ever since I can remember.  
Q When did you come to Owase? A. I just moved there eight years ago.  
Q To Owase? A. Yes, in the Cherokee Nation.  
Q You didn't move to Owase eight years ago? A. Yes, sir, from Sequoyah.  
Q Who lives near you other there? A. There is several.  
Q Don't you know any of their names? A. Bill Halsell is one, I guess you are acquainted with him.  
Q Well who else? A. There is quite a crowd of them, Bunk Claywell.  
Q Did you live in the Creek Nation? A. No sir, live right close to Billy Halsell's ranch.

BY MR. W. W. HASTINGS, Cherokee Representative.

- Q Do you remember coming from the Choctaw Nation up to the Cherokee Nation? A. No sir.  
Q Your father was Boss West? A. Yes sir.

Q Grandson of old Henry West? A. Yes sir.  
Q And Hannah West? A. That is my step-grandmother.

COM'R NEEDLES: John West applies for the enrollment of himself. He can not be identified upon the authenticated roll of 188( of census roll of 1896. He is identified upon the Wallace and Kern-Clifton according to the page and number of the rolls as indicated in the testimony. He avers that he was born in the Choctaw Nation and has lived in the Cherokee Nation all his life. He avers that he is a nephew of Houston West who has been listed for enrollment upon doubtful card #989, and the testimony taken in the matter of the enrollment of Houston West will be made part of the record in the case at bar and a copy thereof filed herewith. Said John West having made a satisfactory proof as to residence, 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.

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 19th day of July, 1901.

(Signed)

T. B. NEEDLES

Commissioner

Edith Lewis, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she correctly copied the testimony and proceedings in this case and that the foregoing is a true and complete copy of the above.

(Signed)

EDITH LEWIS

Subscribed and sworn to before me this 13th day of June 1904.

(Signed)

CHARLES H. SAWYER  
Notary Public

( S E A L )

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 complete copy of the above mentioned copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 11th day of December 1905

Edward Herrick  
Notary Public

Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Port Gibson, I. T., September 4, 1901.

In the matter of the application of John West for  
enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant present in person;  
E. W. Hastings, of counsel for Cherokee Nation.

Mr. Barker, being duly sworn by Commissioner Needles,  
testifies as follows:

- Mr. Hastings: What is your name? A E. W. Barker.
- Q What is your age? A I am 30 years old.
- Q What is your postoffice? A Muskogee, Indian Territory.
- Q Mr. Barker, you are a citizen of the Cherokee Nation by blood?
- A Yes, sir.
- Q When did you come to the Cherokee Nation? A I was born and raised in the Cherokee Nation.
- Q Well, you went to Texas a while didn't you? A Yes, sir, I went there in the latter part of '71, or in '72, and I came back, and went back in the spring of '75.
- Q I will ask you if you know a colored man by the name of Boce West?
- A Yes, sir.
- Q Do you know his wife's name? A Her name was Millie West, Millie English was her former name.
- Q Do you remember Boce West's children? A Yes, sir, I remember all he had when I left Texas, but I don't remember the names of the girls because there was about eight or ten, I think there was about ten children, and there was two or three sets of twins I think of them.
- Q What was their names? A I know four of the boys' names, there was John and I believe they called the other Chilly, or something like that but I don't remember, and the other, William Barker and William Still, that was for me, they lived there, and a nephew of mine was named William Still; and the girls, I don't remember much about them.
- Q Do you know what or one of them was called Lugenia? A I don't remember.
- Q When did you first know Boce West? A I knew him in '75.
- Q Where was he living at that time? A He was living in Russ County; you want the postoffice?
- Q What state, Texas? A He was living in Russ County, Texas.
- Q Was he married there? A Well, he was married when I went to Texas.
- Q He had a wife and some children at that time? A Yes, sir, these two boys were there and some girls, I think the boys was twins, John and Chilly, I think it was something like that.
- Q How long did he continue to reside there immediately after you knew him in '75? A He worked for us and my mother in law there on a farm about till March '77, and I moved to this country; I went back in August, '77, my wife didn't like to live in this country, and we went back in August, '77 - '78 I believe it was, '78, and when we got back, why he was still there on the farm with my mother in law, Mrs. Hayfield.

- Q Do you know when he came out here? A He came out here in November, 1883.
- Q Do you know whether he had ever been here before since the war, or not? A Nothing only what they told me; he never had been in the Territory, so they said.
- Q How do you know he came here November, '83?
- A Well, I left there along about the first, somewhere between the first and 10th of November, and he had started ahead of me a few days, with my wagon and team, to bring it through for me, and shortly after I got to this country why he got here, came to this country, Muskogee.
- Q Did he bring his wife and children with him? A The two boys first, John and Chilly came along in this wagon, and John Wyche came in the wagon, but him and his wife and the other children came along with my wife and the little girl, all come on the train after that.
- Q His wife and some children came with your wife a little later than you did in 1883, on the train? A Yes, sir, they never lived here until I came here and got my home and located, before they started.
- Q Then you knew them in Texas for nearly all the time from '75 till '83? A Yes, sir, I knew them all the time, they were right there with us on the farm; Boce moved off one year and lived with John Jacobs, and he came back that fall, he couldn't stay with him.
- Q You never heard him say anything about having been up here before that? A I heard him say positively; he never had; I like to not get him to come either, seems like he didn't want to come to this country.
- Commissioner: You know Houston West? A No, sir, I don't know Houston West; he didn't belong to that set of the Wests down there; Boce had a brother named Joe West and a half brother named something else, Jeff something; he ran off and came out there, they had him charged with rape.
- Q And you say Boce West, the father of John West, didn't move to the Cherokee Nation, to your knowledge, until about the year 1883?
- A November, 1883, is when he came here.

W. J. MOUNTS, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Hastings: What is your name? A W. J. Mounts.
- Q What is your age? A 69.
- Q What is your postoffice? A Fort Gibson.
- Q Mr. West, you were in Texas during the war, weren't you? A No, sir.
- Q Did you go there after the war? A I went there after the war.
- Q What county. A Russ.
- Q Did you know a colored man in Texas by the name of Boce West?
- A Well, I know him in that country as Boce Harnage, but I presume it is the same; I have been told since; Boce Harnage was the name he went by there.
- Q Well, when did you know that party? A I went there in '67, he worked for me during the summer of '67.
- Q How can you remember he began to work for you. A He began to work regular some time in March.
- Q You know how long he continued to work regular for you? A The first day of November.
- Q How do you fix those dates so positively? A I had to pay him for what he done, and a man naturally knows about how much money he pays out, and when his time was up.

- Q Did you ever see him after he came out here? A Once, maybe twice; I think I saw him before he came to apply to apply to this Commission, and I probably saw him a year or so before.
- Q Do you know what name he goes by out here? A He goes by West, but it is the same man; he was known there as Boce Harnage.
- Q Do you know who he came out here with? A No, sir, I don't know, the first time I knew of him he was out on the Canadian about six miles from me, between here and Bragg, that is the first I heard of him since I left him in Texas.
- Q You left there then? A On the 15th of December, '67.
- Q And you left him there? A Yes, sir, left him there.
- Q He wasn't married then? A No, sir, I think not, I even knew of it.
- Commissioner: Boce West living now? A I haven't seen him for some time, I don't know.
- Q You know John West? A No, sir, I don't, don't remember him.

Boce West, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Harnage: Mr. Harnage, what is your name? A B. Harnage.
- Q What is your age? A I am 53.
- Q What is your postoffice? A Tanglewah.
- Q Mr. Harnage, do you know a colored man by the name of Boce West?
- A Yes, sir.
- Q Do you know his wife's name? A His wife's name was Willie.
- Q Do you know his children? A I know one or two of their names, the two boys I think they called one John and the other Sylvester, Silly they called him.
- Q Do you know whether he had a girl named Lugenia or not?
- A I don't remember the other children.
- Q Do you know who Boce West belonged to before the war? A He belonged to my father.
- Q What was your father's name? A John Harnage.
- Q Where did your father live when the war broke out? A He lived in Russ County, Texas.
- Q How long had he been living in Texas? A He had been living there quite a while, I can't remember how long.
- Q A number of years? A Yes, sir, been living there 15 or 20 or 30 years, longer than that I expect, I just can remember when he moved to Texas.
- Q Was he a citizen of the state of Texas when the war broke out?
- A Yes, sir.
- Q Well, when you came back to the Cherokee Nation, to what point did you return? A Down in Sequoyah district.
- Q Well, do you know when Boce West came back to the Cherokee Nation.
- A He came back in 1860, sometime, I don't recollect the date or the year exactly.
- Q Was this Boce West sometimes known as Boce Harnage? A Yes, sir.
- Q You left him in Texas when you left? A Yes, sir.
- Q You never saw him here up until the eighties? A No, sir, I haven't seen any of the children.
- Commissioner: You know John West? A No, sir, maybe it is his boy John, I don't know about that.
- Q Is Boce West living? A He was last Spring.

Commissioner: This same testimony to be filed in the case of Lugenia Harris, D-1032.

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 of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th day of September, 1901.

(Signed) C. E. Beckman

Commissioner.

Edith Lewis, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, she correctly copied the testimony and proceedings in this case, and that the foregoing is a true and complete copy of the above.

Edith Lewis

Subscribed and sworn to before me this 13<sup>th</sup> day of June, 1904.

Charles H. Brown  
Notary Public.

E. F.D. 97.

Isom Johnson Muldrow I. T.

INDIAN TERRITORY,  
CHEROKEE NATION.

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

*Johnson*  
by delivering a true copy thereof on the  
*5<sup>th</sup>* day of *Sept* A. D. 1901.

Given under my hand this *5<sup>th</sup>*  
day *Sept* 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 .....

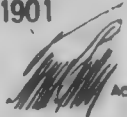
on the ..... day of ..... A.D. 1901

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

504

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

FILED  
SEP 6 1901

  
ACTING CHAIRMAN.



# NOTICE!

*IN THE MATTER OF* The application of **Ison Johnson**  
for enrollment as a Cherokee Freedman:

Case No. F. D87

To **Ison Johnson, Muldrow 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 **Pt Gibson** Indian Territory, on the following dates, to-wit: **Sept 5th and 7th** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **5th** day of **Sept**, 1901.

*H. B. Bell*

*Attorneys for the Cherokee Nation.*



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ISON  
JOHNSON as a Cherokee Freedman; introduced on the part of the Cherokee  
Nation.

APPEARANCES:

Applicant present in person;  
W. W. Hastings, of Counsel for Cherokee Nation.

Mr. Hastings: The Cherokee Nation desires to introduce  
a certified copy of the decision of the Supreme Court of  
the Cherokee Nation, of date June 20, 1871, with reference  
to the rights of colored intermarried citizens.

Notice is hereby given the applicant that testimony will  
be introduced in this case at this place on September 20,  
1901, between the hours of 8 o'clock, A.M., and 5 o'clock,  
P.M.

---00000000---

J. O. Rossen, 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 the above case and that  
the foregoing is a true and complete transcript of his stenographic  
notes thereof.

*J. O. Rossen*

Subscribed and sworn to before me this 7th of September, 1901.

Commissioner

*M. D. ...*  
*M.P.*

RECORDED  
SEP 10 1901

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

**FILED**

SEP 7 1901



ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED  
**FILED**  
AUG 4 1896

3297

  
W. H. ...

Married by undersigned  
Isaac Green and Lucy Jane Berry

Wit. { Emmanuel Robison  
Martha Robison

Laurence Smyth  
20<sup>th</sup> January 1875

Thereby certify that the above is a correct  
Copy taken from the Marriage record of the  
Immaculate Conception Church, Fort Smith  
Ark.

James Brady (Pastor.)  
Immaculate Conception Church  
Fort Smith, Ark.

23<sup>rd</sup> July 1902.

Cherokee Freedmen D-97.

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

In the matter of the application for the enrollment of  
Isom Johnson et al., as Cherokee freedmen.

O R D E R.

It is ordered that a copy of the testimony in Cherokee  
Freedmen D 1030, John West, be filed with and made a part of the  
record in Cherokee Freedmen D 97, Isom Johnson et al.



\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

June 11, 1904.



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

In the matter of the application of Isaac Johnson et al.,  
for enrollment as Cherokee Freedmen.

D E C I S I O N .

The record herein shows that on May 17, 1901, Isaac Johnson appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself, his wife, Matilda Johnson, and his minor children, Paul, Isaac, Lulu, Adam, Turner and Ida Johnson, as Cherokee freedmen. A copy of the testimony taken in the case of John West, Cherokee freedmen D 1030, is filed herewith and made a part of the record in this case.

The evidence shows that the said Isaac Johnson 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 within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation.

The applicant, Matilda Johnson, was born since 1866 and is the daughter of Bose and Millie West, who were slaves in the State of Texas at the commencement of the rebellion, and who did not come to the Cherokee Nation until sometime after the year 1860.

The minor applicants, Paul, Isaac and Lulu Johnson, are the minor children of Isaac Johnson and possess no rights to enrollment except through him, their mother, one Lucy J. Johnson, not being shown to possess any rights as a Cherokee freedman. The other minor applicants, Adam, Turner and Ida Johnson, are the minor children of the applicants Isaac and Matilda Johnson, and possess no rights except through their said parents.

Neither the name of Bose West or that of the applicants herein, is found on the 1860 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Isaac Johnson, Matilda Johnson, Paul Johnson, Isaac Johnson, Lulu Johnson, Adam Johnson, Turner

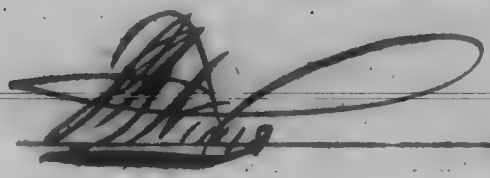
Johnson and Ida Johnson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



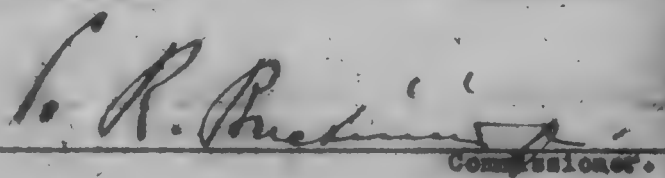
\_\_\_\_\_

Chairman.



\_\_\_\_\_

Commissioner.



\_\_\_\_\_

Commissioner.

Dated at Muskogee, Indian Territory,  
this               23 1904

( COPY )

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

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

Houston West, et al.	Cherokee Freedman D 989,
George West, et al.	" " D 990,
Callis West	" " D 1000,
John West	" " D 1032,
Lugenia Harris, et al.	" " D 1032,
Callis West,	" " D 1054.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George, Jr., Jessie, Albertina and James West as Cherokee Freedmen, and for his wife, Lissie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lissie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West); for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris, and by Callis West (son of Houston West), for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Hesse Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of freedmen to said Nation; that all the other applicants herein, except Lissie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1864, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris, were born since 1864, and are the descendants of Hesse West and Willie West; and that they acquired no greater rights, as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Hesse

West or Millie West was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicants' names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 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 applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West, Jr., Jessie West, Albertha West, Callis West (son of Henry West), John West, Lugertha Harris, Janie Harris and Callis West (son of Houston West), 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; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY  
Chairman

(Signed) T. B. Needles  
Commissioner

(Signed) C. R. Breckinridge  
Commissioner

Dated at Muskogee, Indian Territory

this Aug 5 1904

( C O P Y )

THE WESTERN UNION TELEGRAPH COMPANY.

RECEIVED

79-12-10 W 25---Paid.

Ft. Smith, Ark Oct 4

Commission to Five Tribes,

Muskogee, It.

Sam Hughes says he is affraid to appear as witness in Isom  
Johnson case without summons from commissioner thinks he will be  
killed if he testifies.

Neal and London

454p

( COPY )

Department Interior  
Commission to Five Civilized  
Tribes at Muscogee--I.T.

In Re

Application of Isom Johnson et al for enrollment as  
Cherokee Freedmen--F. D. 97.

Motion for a Continuance.

Comes now the applicant, Isom Johnson and moves a continuance of this cause and for grounds thereof states:

That a witness, Lewis Edlin, whose testimony is set out in full in an affidavit in this cause filed and is a part of the record herein is absent on account of sickness, and is actually unable to attend at this time and petitioner herewith attaches & makes a part of this motion this certificate of Dr. Thomas the physician attending said absent witness.

That a witness Sam Hughes whose testimony is also set out in full in an affidavit herewith filed & heretofore made a part of the record in this cause, is absent through no fault of this applicant. Applicant saw said witness several times during the last three or four days and witness promised applicant to come, but late yesterday afternoon witness refused to come without a subpoena in this cause, alleging fear of personal violence if he should appear without subpoena. It was at that time too late to get a subpoena and applicant is therefore unable to produce said witness on this day.

Motion for Continuance--2.

Wherefore Applicant states that he has used his diligence to procure the attendance of said witness, that their testimony is true and material to the justice of his cause, and that without them he can not safely go to final hearing. He therefore prays a continuance of this cause until Lewis Bolin is physically able to attend and until the witness Sam Hughes can be properly served with a summons & will ever so pray.

Neal and London  
Attys for Applicants.

Western  
Ind. Ter. Dist.

I, Isom Johnson, on my oath state that the matters & facts set out in the above and foregoing petition are true and correct.

his  
Isom X Johnson  
mark

Subscribed and sworn to before me this the 5th day of Oct. A. D.  
1905.

Myron White  
Notary Public

Witnesses to mark  
Tom W. Neal  
W. W. Hastings.

( S E A L )

My Commission expires on  
day of \_\_\_\_\_ 190

( COPY )

Fort Smith, Ark.

10--4--1905.

I hereby certify that Lewis Bolin has been sick since September 27th with acute attack of indigestion followed by Diarrhoea and is still under treatment and from which cause is not in condition to travel.

Respectfully

J. G. Thomas M.D.

Office # 717 N. 9th Street.



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DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE BUREAU OF LANDS

FILED  
OCT 9 1905

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., OCTOBER 5, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ISOM JOHNSON et al., as Cherokee freedmen.

APPEARANCES:

For Applicants, Neal & Londen, by Mr. Neal.  
For Cherokee Nation, W. W. Hastings.

ZACK CRAIG, being first duly sworn, testified as follows;

BY MR. NEAL:

- Q What is your name? A Zack Craig.  
Q Where do you live? A Fort Smith.  
Q What is your post office? A Fort Smith.  
Q What is your business? A My trade, I am a brick layer and plasterer.  
Q What are you doing now? A I am deputy constable now.  
Q How long have you lived in Fort Smith? A 40 years the 15th day of last September.  
Q Are you acquainted with Isom Johnson, the applicant herein?  
A Yes sir.  
Q When did you first get acquainted with him? A '66.  
Q What were you doing at that time, the time you first met Isom Johnson? A Working on a ferry boat.  
Q Where? A Fort Smith.  
Q Flying between Fort Smith, Arkansas, and the Cherokee Nation?  
A Yes sir.  
Q What were the circumstances under which you saw Isom Johnson the first time? A My first recollection of seeing him was he came across the river the first time I saw him.  
Q He came from the Cherokee Nation over in the state? A Yes sir.  
Q Did you see him at other times there after that? A Yes sir.  
Q Do you know where his mother lived? A She lived about the bridge right where Mr. Morgan lives now, just across the slough there.  
Q Was Isom a young man at that time? A Yes sir.  
Q Was he married? A Not that I know of.  
Q What time of the year was it that you saw him coming back and forth into the Cherokee Nation? A It was in the fall of the year to my best recollection.  
Q You say his mother lived up there and that was his home? A Yes sir.  
Q He was a young man and made his home with his mother? A Yes sir.  
Q You say it was in 1866, how do you know it was 1866, or was it 1867, how do you know it was 1866? A It was the same year the Treaty with the Cherokee Indians, I came to Fort Smith in '66 with my mother, she was living up there close to the Fort Smith Wholesale Grocery Store.  
Q You came in 1866? A Yes sir, September 15th.

- Q How do you fix the time as being in the fall of 1866 that you saw Isom? A After I came to Fort Smith I commenced working for Col. Howard and worked for him until along about the early part of the spring and they removed him from Fort Smith to Fort Sill.
- Q Do you remember what time in the year it was of 1866 that they removed him to Fort Sill, what time? A It must have been in April I reckon, I am not positive, I know the weather was pretty cold.
- Q Then you went to work on the ferry boat, who was running the ferry boat at that time? A It belonged at that time to Bethel.
- Q What men had active work of the boat at that time? A My brother, Sam Hughes and myself.
- Q You were the three men that did the work? A Yes sir at that time.
- Q Have you known Isom Johnson since that time continuously? A Yes sir.
- Q Can't be any mistake about the boy that lived there in the Nation and was going back and forth there? A I didn't know him as Isom Johnson, I knew him as Green Johnson.
- Q That Green was a nick name? A Yes sir.

BY MR. HASTINGS:

- Q You aren't a citizen of the Cherokee Nation? A No sir.
- Q Are you a freedman? A I was free born.
- Q Where were you born? A In Jefferson county, Arkansas.
- Q You never lived in the Cherokee Nation before the war? A No sir, I didn't, never was in the Cherokee nation before the war, never was in the Cherokee Nation until 1865.
- Q How old are you? A 60 years old past.
- Q Who has talked to you about this Isom Johnson case? A The case here.
- Q Yes? A My admsonson has talked to me the other day. I forgot about Isom Johnson, but as soon as he said Green Johnson, I knew who it was.
- Q When did you tell Mr. Neal about it? A I never told him at all, I suppose he told him. Mr. Neal sent after me.
- Q Who did he send? A Mr. Hal Rogers.
- Q This man outside of the door there? A Yes sir.
- Q Is he a witness in the case? A I don't know.
- Q Is he a lawyer? A I don't know.
- Q Notary Public? A I think so.
- Q He come down there after you? A Yes sir, met me on the Avenue.
- Q Were you ever at Isom Johnson's place on this side of the river? A Not only at his mother's, I have been there at the Houston Payne place.
- Q What was his mother's name? A I can't tell you, her name now.
- Q Is she dead? A I couldn't answer that question.
- Q Did she have a husband when you first knew her? A Not that I know of, I didn't never see him.
- Q Who was living there with his mother when you first knew of her after the war? A He tried to live with her himself.
- Q Was anybody else living there? A I think not.
- Q Did you see any one else living there? A Never have.
- Q You never saw him there, you only saw his mother's place, you never saw him ever there? A I seen him on the north banks of the river.
- Q You never saw him down at this place? A I can't say positive about that.

- Q Then you never saw any one at this place that you speak of other than his mother? A I seen her there, that used to be quite a fishing ground there along where she lived, that is how I knowed where she was.
- Q Were you ever at her house? A Never was in that yard, if I was it was just to get a drink of water.
- Q Do you ever remember of seeing her? A Yes sir, I have seen her.
- Q About what age person was she when you saw her, say the first time after the war? A It is just like guessing at a mules age as guessing at black people's age, something,--I wouldn't hardly testify to it.
- Q Was she a large or small woman? A My recollection a totable good size woman.
- Q What was the last time you ever remember of seeing her? A I couldn't tell you that.
- Q About how long after the war? A If I recollect it was about '68.
- Q Then you don't remember of having seen her until after that time?
- A No sir, right after that time I got a regular job of work with Mr. Reed and quit fishing and hunting.
- Q Where did he live? A In Port Smith.
- Q Was this woman living in a cabin over there?

Mr. Neal: We object to this questioning that is wholly immaterial to the issues involved.

Mr. Hastings: I am going to locate this place.

By the Commissioner: Objection will be noted.

Mr. Hastings: In answer to that objection the representative of the Cherokee nation states that the purpose to locate definitely this place there that these points may be disproved by other witnesses.

- A Yes sir, I think it is a cabin, I am pretty positive it is a cabin near where Mr. Houston Payne's barn is now.
- Q You don't know what her name was? A No sir, I don't know her given name.
- Q Now you never saw him up there, when did you next see him after 1866? A Saw him at the Convent, Catholic Church at the head of the Avenue.
- Q When did you next see him in the Cherokee Nation? A Never met him in the Cherokee Nation any more after 1866.
- Q Never saw him in the Cherokee Nation any more? A Saw him backwards and forth in '66. He was afraid to come across on account of George Johnson, his young master.
- Q Did you see him in 1868? A Yes sir.
- Q Did you see him in 1869? A I think I did.
- Q Did you see him in 1870? A I might have bit I wont be quite positive.
- Q Did you see him in 1871?

Mr. Neal: I cannot see the materiality of these questions. The record is full and complete on every question that Mr. Hastings is now asking and they are immaterial questions as to whether or not he saw him on May 1, 1861 or May 20, 1867, it is wholly immaterial. It is an impossibility for a man to remember these questions.

By the Commissioner: Objection will be noted.

- Q I couldn't positively tell you. I married in '79 and I guess I might have seen him in '71.
- Q Did you ever see Isom Johnson's wife? A Yes sir, I seen her a few days ago.
- Q Where at? A Fort Smith.
- Q In town? A Yes sir.
- Q Is that the first time you ever saw his wife or any of his children? A To my recollection, the first time.
- Q You never did live in the Cherokee Nation at no time? A No sir, never made a home in the Cherokee Nation in my life.

BY MR. NEAL:

- Q You say that you didnt see him in 1871? A I wont swear that I did or didn't .
- Q What is your judgement with reference to seeing him then and all the time since 1866? A That is he passed there to his home across the river. To the best of my judgment I saw Johnson was living in the Choctaw nation a couple of years and I became acquainted with him when he was working at the Convent, I ~~was~~ become personally acquainted with him and two or three times when he lived in the Choctaw Nation I met him coming backwards and forwards to church, he joined the Catholic Church, he was the first black man, I believe, that ever joined the Catholic Church in Fort Smith. I married in 1879 and moved to the country.

A motion for continuance is now filed by the Attorney for the applicants.

Mr. Hastings: The representative of the Cherokee Nation desires to object to the motion for continuance, first with reference to that part of the motion that refers to Lewis ~~Bolin~~ Bolin,--the certificate of the physician is not sworn to, and therefore there is nothing legal before the Commissioner to show that Lewis Bolin wasn't ablt to be in attendance upon this office. Second, as to the second witness, Sam Hughes, there is no legal excuse set forth in the motion why Sam Hughes is not in attendance upon this office today. The applicant or his attorney either could have gotten subpoenas from the Commissioner if they had so desired. The Cherokee nation has some witnesses present and a continuance of this case would practically force the Cherokee Nation to place its witnesses upon the stand first or to have them brought back in order to rebut any statement that might be made by any other witnesses at subsequent times introduced on behalf of the applicant.

By the Commissioner: The objection of the Attorneys for the Cherokee nation to a continuance in this case will be sustained, and the motion for a continuance denied. There is filed herewith a telegram from Messrs. Neal & Lendon, Fort Smith, Attorneys for applicants, dated October 4, 1905. This telegram was not received until the close of business on October 4.

Mr. Neal: To the ruling of the Commissioner in refusing to grant a continuance in this case, the applicant at this time excepts.

APPLICANT RESTS.

The following testimony was introduced on behalf of the Cherokee Nation.

FRANK M. MORGAN, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Frank W. Morgan.
- Q What is your age? A 52 the 12th of March, my last birth day.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What is your post office address? A Fort Smith.
- Q Do you know the applicant there, Ison Johnson? A Yes sir.
- Q How long have you known Ison Johnson? A Since '83.
- Q What were you doing in 1883? A I was farming and running a ferry boat between Fort Smith and the Nation.
- Q Connecting the Cherokee side and the Arkansas side of the river there? A Yes sir.
- Q Tell the circumstances of your seeing Ison Johnson at that time?
- A I was going across the boat in 1883 and Ison come from the Choctaw Nation down on a point of the river between Poteau and Arkansas and we stopped the boat there and took him on and took him over there across to the Cherokee side and landed him
- Q Do you know whether or not he was moving then? A It looked like an emigrant outfit, a moving outfit.
- Q Did he have some family with him? A Yes sir, to the best of my recollection, had his folks with him.
- Q But you never paid any particular attention to that? A No sir, I paid more attention to him than anything else, it was unusual for us to stop there and get anybody.
- Q When did you commence running that ferry boat? A I bought that in 1879, I first rented Gal Hanks part and in 1880 I bought Mrs. Hanks out, and I owned a half interest in the boat at the time we ferried him.
- Q How long had you been down in that bottom west of Fort Smith and north of the Arkansas river there prior to 1883, about when did you come down there? A I went down there in 1875 in the fall to teach school.
- Q Where did you teach school? A Right on the edge of the bottom between Fort Smith and the foot hills about 4 miles from Fort Smith.
- Q With whom did you board? A Dr. Bell.
- Q How far did Dr. Bell live from Fort Smith? A About 4 miles, might have been 4 1/2.
- Q How far from the Arkansas River? A About the same.
- Q Do you know the old George or Ben Johnson place? A Yes sir.
- Q How far did Dr. Bell live from there? A About 4 1/2 miles.
- Q About the same distance? A Yes sir.
- Q How far was the Johnson place from the end of your ferry? A Well we landed sometime on what was called the Johnson place, it was known as the Vann place at that time and Sid was living on it, later on he lived that at the old Ben Johnson place. He married one of the paynes and he moved to this old Ben Johnson place and I would come down there from Dr. Bell's to Fort Smith and stop there.
- Q You mean Sid was your brother Sid Morgan? A Yes sir, he lived there part of the time and then Payne lived there.
- Q Did Sid Morgan marry before you? A Yes sir, he married in '74.
- Q You say you married in 1879? A I married in 1881.
- Q How have you lived down in that vicinity continuously from 1875 up to the present time? A Well I have been in that District ever since 1875, I have lived at Claremore awhile, but I was always down there attending to my farm.

- Q You lived at Clarendon just a few years ago? A Yes sir and then I was backward and forward all the time during that time.
- Q And were you familiar with the people around in that section of the country? A When I went down there to teach school in '75 there was very few darkies living in that bottom between that and Port Smith.
- Q Did you run for office in that District? A Yes sir, in 1879.
- Q I will ask you if you had occasion then to go over the district considerable and in that locality? A Yes sir, went all over that district.
- Q Do you own a farm down there yourself, the Johnson place? A Yes sir.
- Q How far from it? A Well it was just one farm between it, that was my place was known as the old Alex Sanders place and Miss Sanders had one that joined it and the next one was the Johnson place.
- Q Did you ever see this applicant here, I saw Johnson, in the country before 1883? A No sir.
- Q Could he have lived there from 1866 to 1883 without your knowing it?

Mr. Neal: Objected to because the answer must be a personal opinion.

By the Commissioner: Objection will be noted.

- A Well you see I didn't go down there until '75, he couldn't have lived on the Johnson place without my knowing it because I was down there most every week, Saturday evening.
- Q Could he have lived there from 1875 to 1883 without your knowing it? A No sir, I don't think he could.
- Q You say you had occasion to go there frequently? A Yes sir, you see when I was teaching the well school I would go hunting and go right through that bottom, it wasn't settled at all, the claims had been abandoned, it has just been built back there since.
- Q Do you know where he settled when he came there in 1863? A No sir, not at that time. I didn't pay any attention to him.
- Q You knew that this same man, the applicant, is the man that you ferried across the river in 1883? A Yes sir.

Q And you had never seen him on this side of the river before?  
 A If I ever saw him I never took particular notice. He made quite an impression on me, coming on the boat that day he did, the way he looked and the way he came. The taking of a man coming on that way was very unusual, and I just happened to be on the boat that particular day, and they stopped and got him and came how or other he made an impression on me the way he looked, and I have never forgot how he looked from that day to this.

Mr. Neal: The Attorneys for the applicants move the Commissioner to strike the testimony of Mr. Frank Morgan from the record because of the fact it is immaterial, irrelevant and tends neither to prove nor disprove any issue in this case.

By the Commissioner: A yes objection will be noted.

WITNESSES EXAMINED.





- Q Could Isaac Johnson have lived in that vicinity there from 1869, the time that you came to the Cherokee Nation, up until 1883, without your knowing it? A I don't believe he could.

Mr. Neal: Objected to because it is immaterial, and the answer is purely a personal opinion.

By the commissioner: Objection will be noted.

- Q You say you are familiar with the people who lived about there?  
A Yes sir.  
Q You say it was a sparsely settled country? A Very thinly settled  
Q For how far around on the Cherokee side did you know the people, say from 1878, those I mean that were residents there? A I will say for 7 or 8 miles around I knew it well.  
Q You don't attempt to speak of transient people? A No sir, I am speaking of owners of the place they lived on. Somebody might have come and raised a crop one year and might have left that I have forgotten.  
Q Could any one ever lived there continuously for all those years within a radius of 3 or 4 miles without your knowing it? A No sir.

BY MR. NEAL:

- Q Did you know Isaac Johnson before the war? A No sir.  
Q Did you know his master, Ben Johnson? A No sir.  
Q Do you know where Isaac Johnson was in 1866, '67 and '68? A No sir.  
Q Your first recollection of Isaac then the first you knew about him was in 1883, when he come over there and rented around?  
A No sir, he didn't rent around, the first I knowed of him he went on a place about a mile and a half north of where we lived.  
Q You don't know where he was in 1866, '67 and '68, nor do you know where he was until 1883? A No sir.

Mr. Neal: Attorneys for applicant move that the testimony of Gabriel V. Payne be stricken from the record, because it is immaterial, irrelevant and neither tends to prove or disprove any facts in this case.

By the Commissioner: Objection will be noted.

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

BY MR. HASTINGS:

- Q What is your name? A John Walton.  
Q How old are you? A 68.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q Were you a slave before the war? A Yes sir.  
Q Where do you live John? A I live down between Cherokee and Roland in Sequoyah District.  
Q And how far is that from Fort Smith? A About something near five miles.  
Q Did you ever live nearer Fort Smith than that? A Yes sir, sometimes I have.  
Q Well where did you move to when you first come back after the war?  
A When I first came to the Cherokee Nation I stopped on the Campbell place just across the river from Fort Smith.  
Q Are you a recognized enrolled freedman citizen? A Yes sir.  
Q Owned on your land? A Yes sir.

- Q Your name is on the 1860 roll? A Yes sir.
- Q Did you know where the old Ben Johnson place was? A Yes sir.
- Q How far is it from the Jack Campbell place? A It is pretty near adjoining, short space between.
- Q When did you come to the Jack Campbell place after the war? A I lived there in the winter of '66.
- Q Had you been over there before that? A Yes sir.
- Q When did you first come over there after the war? A Along in the fall or winter of '65.
- Q Work over there any? A Yes sir, I worked over there.
- Q Did you work over there in 1866 before you moved over there?
- A Yes sir.
- Q What did you do? A Cutting wood and making rails and worked in the hay.
- Q And you moved over there in the winter of 1866 to the Jack Campbell place? A Yes sir.
- Q And you say it very nearly joins the Ben Johnson place? A Yes sir, short space between them.
- Q How long did you live on that Jack Campbell place? A I stayed there until, it was '71.
- Q About five years? A Yes sir.
- Q Then where did you go? A I moved upon skin Bayou about 1 1/2 miles below Muldrow.
- Q How long did you live there? A I don't know exactly, 9 or 10 years.
- Q Then did you move down to where you are living now? A After my mother died I broke up up there and then lived from place to place.
- Q Have you always since the fall of 1866 lived over on this side of the river between Muldrow and Fort Smith? A Yes sir.
- Q How far is the farthest that you have lived from Fort Smith straight through? A About 12 miles I reckon.
- Q From about 1871 you lived on the Jack Campbell place? A Yes sir.
- Q And that right near the Ben Johnson place? A Yes sir.
- Q Were you well acquainted with the people in that vicinity, the nearest people? A Yes sir, I was well acquainted.
- Q Do you know this applicant here, this Isom Johnson? A I didn't know him at that time.
- Q I say do you know him now? A Yes sir.
- Q Do you know where he lives? A I hear he lives in Fort Smith, I don't know.
- Q Is he in the town of Fort Smith? A Yes sir.
- Q You say you didn't know him when you moved over there? A No sir.
- Q How long had you been living over there on the Jack Campbell place on this side of the river on the Cherokee nation side, how long had you lived there before you ever saw Isom Johnson? A I couldn't tell how long it was, it was a good while though. It was quite some years, I couldn't tell just how long it was.
- Q Was it a good many years? A Well sir, it was, the first I ever seen of him was this place this man speaks of him living at, it is known as the Payne place.
- Q It is known as the Gabriel Payne place? A Belong to some of the Paynes.
- Q It used to belong to his father? A His father didn't own it at that time.
- Q I mean since then? A Yes sir.
- Q Was he living there in 1866 when you come over there? A I never seen him there.
- Q You were on the Johnson place right adjoining this Campbell place?
- A Yes sir.
- Q In that vicinity? A Yes sir.

- Q You say you never saw Isom Johnson for a number of years after the war? A Not that I know of.
- Q You never knew him before the war? A No sir.
- Q You know where Isom came from when he come up there? A No sir.
- Q Now what is your best judgment as to how many years after the war before you saw him and how many years after you ~~introduced~~ moved there in the fall of 1866 before you saw him, you say a good many years, now about how many? A 16 or 17 or 18 years, something like that, I don't know for sure.

BY MR. NEAL:

- Q Where did you live before the war, what section of the country?
- A I lived upon Grand River about 20 miles below Vinita, something like that.
- Q You didn't live within Sequoyah District before the war? A No sir, I lived in Delaware District.
- Q Then you were not personally acquainted with any of the darkies who were slaves down in Sequoyah District before the war? A No sir.
- Q Did you ever know a man by the name of George Johnson down there?
- A I knowed him after the war.
- Q How long did George live after the war? A I don't know sir, just how long he lived, 15 years I reckon or something like that.
- Q Did you know an old darkey up there called Darkey Johnson? A Yes sir.
- Q How long did she live up there, how long after the war was it after you came back there before she died? A I don't remember just when she did die, but I first seen her it was along in '66 sometime.
- Q You don't know exactly when she died? A No sir.
- Q Where did she live? A On the Johnson King place.
- Q How far is that from where you lived? A It wasn't more than half a mile or three quarters, something like that.
- Q How far was the place from where she lived from the place where George Johnson lived? A At that time, I don't know where George Johnson was living.
- Q He lived over there in the bottom in Sequoyah District not far from you? A He lived in that neighborhood but I forget just exactly whereabouts he did live.
- Q Now Darkey Johnson was the mother of Isom Johnson? A I don't know sir.
- Q You didn't see Isom Johnson around there very much until after the death of George Johnson, did you? A I never see him until after George Johnson died.
- Q Never saw him until after George Johnson died? A No sir.
- Q Was George Johnson killed or did he die naturally? A I don't know that.

Mr. Hastings: I desire to introduce, for the purpose of impeachment, the decision of the Commission in the case of George W. Vann, Freedman Doubtful 115,

Mr. Neal: We object to the introduction of the decision of the Commission in the case of George W. Vann because the case of George W. Vann is now pending for rehearing before the Department of the Interior, and the decision is in no manner a final judgment.

By the commissioner: The decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Vann et al., Cherokee Freedman D-115, will be considered for what it is worth in connection with the testimony of said George W. Vann given in this case.

Mr. Neal: the Attorneys for applicant at the time except to the ruling of the Commissioner.

This case will be closed and a decision rendered on the testimony heretofore introduced.

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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 9th day of October, 1908.

*Orma Jones*  
Notary Public.

A.F.M.

Cherokee Freedman D 97

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

In the matter of the application for the enrollment of  
Isam Johnson, et al. as Cherokee Freedmen.

—1—

O R D E R .

It is ordered that a copy of its decision rendered by  
the Commission to the Five Civilized Tribes on August 5, 1904,  
in the consolidated case of Houston West, et al. Cherokee Freed-  
man D 959 et al., which included the case of John West, Cherokee  
Freedman D 1030, and of Departmental letter of October 18, 1904  
(I.T.D. 7604-04), be filed with, and made a part of the record  
in the case of Isam Johnson, et al., Cherokee Freedman D 97.

(Signed) Wm. P. Ball  
Acting Commissioner

Dated at Muskogee, Indian Territory,

this DEC 13 1905

A.F.M.

COPY.

Cherokee Freedmen D 97

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

In the matter of the application for the enrollment of  
Isam Johnson, et al., as Cherokee Freedmen.

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D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That on April 19, 1901, Isam Johnson appeared before the Commission to the Five Civilized Tribes at Fort Gibson, Indian Territory, and made application for the enrollment of himself and wife, Matilda Johnson, and minor children, Paul, Isaac, Lula, Adam, Turner and Ida Johnson, as Cherokee Freedmen. Further proceedings in the matter of said application were had on September 7, 1901, at Fort Gibson, Indian Territory. A copy of the testimony taken on July 2, and September 4, 1901, at Nowata and Fort Gibson, Indian Territory, its decision rendered by the Commission to the Five Civilized Tribes on August 5, 1904, and Departmental letter of October 15, 1904 (I.T.D. 7604-04), in re application for the enrollment of John West, as a Cherokee Freedman, is filed herewith and made a part of the record in this case.

The record further shows that on July 23, 1904, the Commission rendered its decision herein denying the above named applicants the right to enrollment as Cherokee Freedmen and that said decision was concurred in by the Commissioner of Indian Affairs on September 2, 1904 (Land 53174-1904), and affirmed by the Department on September 22, 1904 (I.T.D. 7712-04); that thereafter, on September 15, 1908 (I.T.D. 2340-1908), on motion of the applicants, the Department rescinded its said decision of September 22, 1904, and returned the record in this case for further testimony; and that in accordance therewith additional

testimony was taken on October 5, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Isom Johnson claims the right to enrollment as a Cherokee freedman by virtue of his compliance with the provisions of Article IX, Treaty of 1866; that the applicant Matilda Johnson, nee West, claims the same right as a descendant of her father, Boss West; and that the minor applicants herein claim the right to Cherokee Free man citizenship as descendants of the said applicants, Isom and Matilda Johnson.

The following points are fully established, no attempt having been made to disprove them:

- (1) That the applicant Isom Johnson, was born prior to 1861, and at the commencement of the rebellion was the slave of a Cherokee citizen (whether his master was Ben or George Johnson, both Cherokee citizens, is a question upon which the applicant and his witnesses conflict); that he was taken from the Cherokee Nation during said rebellion and later returned thereto and established a residence therein.
- (2) That the applicant Matilda Johnson was born since 1866 and is the daughter of Boss and Millie West, both deceased, and possesses no rights to Cherokee freedman citizenship.
- (3) That the minor applicants, Paul, Isaac and Lulu Johnson, were born since 1866, are children of the applicant Isom Johnson and one Lucy Jane Berry Johnson, deceased, who was a non-citizen of the Cherokee Nation; and that the minor applicants, Adam, Turner and Ida Johnson, were born since 1890 and are children of the applicants, Isom and Matilda Johnson.

With the exception that the applicants, Isom, Paul and Isaac Johnson, are identified on the Wallace roll, none of the applicants herein nor any ancestor 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.

In view of the foregoing it is considered that the primary question in this case presented for determination is:

Did Isom Johnson return to, and establish his residence in, the Cherokee Nation within the time specified in the Whitmire decree for the return of freedmen to said Nation?

ISOM JOHNSON, applicant, on April 17, 1901, at Fort Gibson, Indian Territory, testified, in part, as follows: I am "66 years of age", and my postoffice is Muldrow, Sequoyah District (Cherokee Nation). I went with Ben Johnson to the Choctaw country during the war but returned to the old home place (Ben Johnson's Sequoyah District, Cherokee Nation) just this side of the river from Fort Smith, in '66, and have lived in the Cherokee Nation ever since.

ALBERT JOHNSON, same date and place, testified, in part, as follows: I am 43 years old, my postoffice is Benge and I am a recognized freedman citizen of the Cherokee Nation. My owner's name was Ben Johnson. I have known Isom Johnson "all my life" but don't know where he was in '66, or when he returned to the Cherokee Nation after the war. In 1866 my father, sisters and myself lived on the old Bell place, just across the river from Fort Smith (in the Cherokee Nation) where Isom Johnson claims he came from, but I didn't see him there at that time.

JOSEPH JOHNSON, same date and place, testified, in part, as follows: I am 50 years old, my postoffice is Muskogee, and I am a recognized Cherokee freedman. I have known Isom Johnson always. He belonged to the same master. He went to the Choctaw Nation during the war. After the war I returned to Sequoyah District, Cherokee Nation, but did not see the applicant till several years later. He was then in Sequoyah District, Cherokee Nation.

DENNIS BEAN, in behalf of applicants, same date and place, testified, in part, as follows: I am about 42 years old, my postoffice is Muldrow, and I am a recognized Cherokee freedman. I know Isom Johnson, he was the slave of Ben Johnson. I first saw him in the Cherokee Nation after the war "in '66 down here at the river across from Fort Smith, on this side, he had been up the river to see his Ma, old Aunt Darkie Johnson." At that time "I was living there some with Minerva Thompson."

GEORGE W. VANN, on behalf of applicants, same date and place, testified as follows: I am going on 87 years old and my postoffice is Benge. I have known Isom Johnson "from a boy".

- "Q You know where he was during the war between the United States and the Confederacy? A. Part of the time.
- Q Where was that? A. Part of the time he was with his master, Ben Johnson, down here near Fort Smith.
- Q You know whether he was taken out of the Cherokee Nation or not? A. I don't know--Yes, he did go out.
- Q When did he return? A. He was gone about three months and come back, he run away he said, and then come back.
- Q Do you know where he was in '66? A. I do.
- Q Where was he? A. Over in the Choctaw Nation.
- Q In '66? A. Yes, sir, part of the time over there and part of the time over here. I can explain to you how it comes. His young master got killed and they as-



- oused him of having a part in it, and his brother, George Johnson, shot at him once and said he would kill him if he ever came on this place, and he went to the Choctaw Nation. I lived with Ben Johnson, his master. He would slip over to where we were, and when he would slip over to where we were his brother George would try and kill him. He stayed down there backwards and forwards until George got killed. I told him George Johnson was dead and when I told him he come home.
- Q What year was that? A. That was about in '66, and all through he would slip back about two miles from the Choctaw Nation at nights and come home.
- Q Was he ever out of the Indian Territory? A. I don't know, sir. He would be gone for a month or so, I don't know where he was.
- Q He wasn't a married man then? A. No sir.
- Q What year was Ben Johnson killed? A. His master's name ( was not ) Ben, it was George.
- Q What year was George Johnson killed? A. After the war.
- Q How long? A. A good while, I don't know exactly.
- Q About how many years after the war? A. I expect he was killed some six or seven years or more.
- Q During that six or seven years he never lived around the old Johnson place this side of Fort Smith, Ison?
- A He would slip back on this side, and as I told him George was killed at Van Buren, when I told him then he come back.
- Q He didn't live on the Cherokee side during that time?
- A I don't think he made his home there. The negroes seen him and some of the whites, but not any of the Johnson family, because they shot at him once.
- Q You were living with Johnson at that time? A. I was living with Johnson six years before ever the war come up. I mean after the war. I didn't live with Johnson after Johnson ran away.
- Q Tell me whether you lived with Johnson after the war?
- A No sir.
- Q Where were you living in '66? A. Living right here when they got up the war with Johnson.
- Q Where? A. Over here between the Arkansas River and Poteau, where they took all the niggers away from there. Johnson started to take us away to Texas.
- Q Was that after the war? A. Right in the war.
- Q I mean after the war? A. I was living here near Fort Smith and around the Fort where all the niggers were, I was right around there. I never lived with Johnson after the war."

ZACK CRAIG, in behalf of applicants, on October 5, 1905, at Muskogee, Indian Territory, testified, in part, as follows:

I am 60 years old, past, and my postoffice is Fort Smith, Arkansas. I know the applicant, Isaac Johnson, and first became acquainted with him in the fall of '66. At that time I was working on a ferry-boat plying between Fort Smith, Arkansas, and the Cherokee Nation, and he came from the Cherokee Nation over into the State. I saw him at other times after that. He was a young man then and was making his home with his mother.

Q Were you ever at Isaac Johnson's place on this side of the river? A. Not only at his mother's; I have been there at the Houston Payne place.

Q What was his mother's name? A. I couldn't tell you her name now.

Q Is she dead? A. I couldn't answer that question.

Q Did she have a husband when you first knew her?

A Not that I know of, I didn't never see him.

Q Who was living there with his mother when you first knew of her after the war? A. He tried to live with her himself.

Q Was any body else living there? A. I think not.

Q Did you ever see anyone else living there?

A Never have.

Q You never saw him there, you only saw his mother's place, you never saw him over there?

A I seen him on the north banks of the river.

Q You never saw him down at this place?

A I can't say positive about that.

Q When did you next see him in the Cherokee Nation?

A Never met him in the Cherokee Nation any more after 1866.

Q Never saw him in the Cherokee Nation any more?

A Saw him backwards and forth in '66. He was afraid to come across on account of George Johnson, his young master.

Q What is your judgment with reference to seeing him then and all the time since 1866?

A That is he passed there to his home across the river. To the best of my judgment Isaac Johnson was living in the Choctaw Nation a couple of years and I became acquainted with him when he was working at the Convent. I became personally acquainted with him and two or three times when he lived in the Choctaw Nation I met him coming backwards and forwards to church. He joined the Catholic church. He was the first black man, I believe, that ever joined the Catholic church in Fort Smith.

I am not a citizen of the Cherokee Nation, I was born free in Jefferson County, Arkansas, and never was in the Cherokee Nation until 1868.

A motion for continuance was at this time filed by the applicants and denied by the Commissioner.

FRANK M. MORGAN, in behalf of the Cherokee Nation, same date and place, testified, in part, as follows: I am 52 years old, am a Cherokee by blood, and my postoffice is Fort Smith. I have known the applicant, Isaac Johnson since 1863. I was farming and running a ferry boat between Fort Smith and the (Cherokee) Nation in 1863 and while on a trip during that year "Isaac came from the Choctaw Nation down on a point of the river between Poteau and Arkansas and we stopped the boat and took him on and took him over there across to the Cherokee side and landed him." He appeared to be moving, and my recollection is that he had his folks with him at the time. I had been living in the bottom west of Fort Smith and north of the Arkansas river since 1875, and during that time was familiar with the Dr. Bell and George and Ben Johnson places, all of which were situated in this bottom, and was also acquainted with the people living in that vicinity during the period mentioned. In 1879 I traveled all over Sequoyah District as a candidate for office, but never saw Isaac Johnson in the Cherokee Nation before 1883. During the eight years prior to that time I don't think he could have lived down there without my knowing it.

CARROLL L. PAYNE, in behalf of Cherokee Nation, same date and place, testified, in part, as follows: I am 49 years old, am a Cherokee citizen by adoption (intermarried), and since 1869 my postoffice has been Fort Smith. I have lived in the Cherokee Nation opposite Fort Smith, continuously since February, 1869, and since that date my parents and I have owned and continuously lived on the Ben and George Johnson places. I have known Isaac Johnson since about 1863 or 4. When I first became acquainted with him my recollection is that he was living about one and one-half miles north-west from Fort Smith, and a out one and one-fourth or one and one-half miles north from the Ben Johnson place. From 1869 to 1883 I was well acquainted with all the people living within a radius of seven or eight miles of our place. There were very few families living there prior to 1870. Isaac Johnson was not living on the Ben Johnson place in 1869, in fact there was no house on the place at that time. I was not acquainted with the applicant and do not know where he was prior to 1883.

JOHN WELTON, in behalf of Cherokee Nation, same date and place, testified, in part, as follows: I am 68 years old, am a freedman citizen of the Cherokee Nation, and live down between Cherokee and Roland, in Sequoyah District, about five miles from Fort Smith. When I first returned to the Cherokee Nation after the war "I stopped on the Campbell place, just across the river from Fort Smith. I knew the old Ben Johnson place, it pretty near joins the Campbell place, short space between. I lived on the Campbell place during the winter of '66 and had been over there before, along in the fall or winter of '65. Also worked over there in '66, before I moved, cutting wood, making rails, and working in the hay. I lived on the Campbell place until '71 and then moved to Skin Bayou about one and one-half miles from Muldrow

(about nine miles west from Fort Smith) where I lived nine or ten years, and have since lived at different places in the Cherokee Nation between Muldrow and Fort Smith, at no time farther than twelve miles from the latter point. I was well acquainted with the people living in the vicinity of the Campbell and Johnson places in 1866 and subsequent thereto, but never saw Ison Johnson there until several years later "in my judgment fifteen or seventeen or eighteen years" after the war. He was then living on the Payne place. I did not know Ison Johnson before the war. I knew George Johnson, he died about fifteen years after the close of the rebellion. It was after George Johnson's death that I first saw the applicant in the Cherokee Nation.

The Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes in Cherokee Freedman Doubtful 115, be introduced in this case for the purpose of impeaching the witness, George W. Vann, to which the applicants object.

The Commissioner ruled that said decision would be considered for what it is worth in connection with the testimony given in this case by the said George W. Vann.

C A S E C L O S E D.

The record in this case produces some new and somewhat peculiar features, which it is considered by this office should not be dismissed without comment.

An examination of the "motion for a continuance" and brief filed herein will show that applicants treat the affidavits of Sam Hughes and Lewis Rowlin, filed with the Commission to the Five Civilized Tribes on February 18, 1906, in support of their motion for a rehearing, as competent evidence, conclusive of the matters to which said affiants depose. This office refuses to give these affidavits any weight whatever as evidence. They were filed with a particular object in view, have served their purpose, and are, in so far as the matters at issue in this case are concerned, entirely eliminated from further consideration. To hold otherwise in this or like cases, would be to permit applicants to establish their citizenship rights without the introduction of witnesses, and establish a precedent which, if followed to its logical conclusion, would result in permitting Cherokee citizenship claimants to secure their enrollment by filing in support of their applications the affidavits of persons residing in any state of the Union (in this instance the affiants are foreigners residing in the state of Arkansas), as to the material facts necessary to establish such claimant's rights to enrollment.

In re applicants brief: Without attempting to follow its order or discuss all the points raised therein, attention is

respectfully invited to the following, pertinent thereto, viz:

(1) The applicant, Isom Johnson, on April 17, 1901, testified that he was then sixty-six years of age. His Wallace enrollment shows that in 1889 he gave his age as forty-six years. This would indicate, and his appearance corroborates it, that he reached his majority several years prior to February 11, 1867, consequently his domicile on that date would have been of his own choosing.

(2) The question whether or not Darkie Johnson complied with the treaty stipulations of 1866 is not at issue in this case, hence was not gone into. Attorneys for applicants allege that she was the mother of Isom Johnson, but this allegation is not sustained by the record. On his first appearance herein the principal applicant failed to give the name of either his father or mother. His enrollment card, Cherokee Freedmen D 97, shows that he gave his father's name as Turner and his mother's as "Sookie Johnson", both deceased. Dennis Bean on April 17, 1901, testified that in 1866 the principal applicant's "Ma" was named Darkie Johnson, and that said applicant was the slave of Ben Johnson. His testimony further shows that he was born in 1858, hence, at the age of forty-two he was testifying to matters that transpired when he was aged three and eight years, respectively. That this witness's age was correctly given is borne out by his following enrollments: 1880 roll, age "25", 1893 roll, age "35".

Zack Craig testified that he did not know Isom Johnson's mother's name, and John Melton testified that he knew Darkie Johnson but didn't know whether or not she was the mother of the principal applicant.

Attorneys for applicants in their brief further assert: "There is some testimony which tends to show that the freedman, Isom Johnson, was not all the time, between 1866 and 1880, in the Indian country. This testimony does not come from the Cherokee Nation but was brought out by the testimony of the witnesses for the applicants themselves. This testimony shows that his home was with his mother but that in order to support himself and the mother and in order to keep himself from being killed, he worked at odd jobs in the city of Fort Smith on in sixty-eight and nine and seventy."

The foregoing denotes an intention on the part of the Attorneys for the applicants to abandon or disregard the testimony of the principal applicant given on April 17, 1901, at Fort Gibson, Indian Territory, wherein he says that he returned to the Cherokee Nation in 1866 and has ever since been living therein.

At no time, so far as the record shows, has the principal applicant, or his witnesses except as below indicated, testified to the matters above quoted from his Attorneys' brief. On April 17, 1901, at Fort Gibson, Indian Territory, George W. Vann, witness for applicants, testified that in 1866 Isom Johnson was accused of having had a part in the killing of Ben Johnson and for that reason George Johnson, brother of Ben, "had shot at

and threatened to kill him if he came on his place"; and on October 5, 1905, at Muskogee, Indian Territory, Zack Craig, witness for applicants, testified "he (Isom Johnson) was afraid to come across (from Arkansas to the Cherokee Nation) on account of George Johnson, his young master". This testimony is at variance with that of the principal applicant, neither has he attempted to explain it, and his failure to do so cannot be attributed to lack of opportunity as he was present before the Commissioner at the hearing in this case on October 5, 1905, but for reasons unknown to this office, did not testify.

Attorneys for applicants discuss quite extensively the theory of positive and negative testimony, the respective weight to be given each, and request the Commissioner to consider the testimony in behalf of applicants as positive, and that of the Cherokee Nation as negative, but for the following reasons this office must decline to do so: The only testimony in this case that Isom Johnson acquired a domicile in the Cherokee Nation in 1866, is his own, and it is either weakened or contradicted by the testimony of every other witness introduced. The principal applicant testifies that he returned to the Ben Johnson place in Sequoyah District in 1866, and has ever since lived in the Cherokee Nation. Witnesses in behalf of the Cherokee Nation testify that at no time during the interval between the years 1865 and 1883 was Isom Johnson living on, or in the vicinity of, the Ben Johnson place. It occurs to this office that this testimony is quite as positive as that presented by the applicant. To apply the rule contended for by the applicants would work the following rather remarkable result: The positive statement of Isom Johnson that he returned to the Ben Johnson place in 1866 and has ever since resided in the Cherokee Nation, could not be contradicted or overthrown by any number of witnesses the Cherokee Nation might muster, if, as a matter of fact, the applicant did not return to, and live in, the Cherokee Nation as he testified he did. As against this positive statement of the applicant the testimony of all the citizens of the Cherokee Nation to the effect that he had not lived in their neighborhood during the controverted time, would avail nothing. In order to successfully contradict this positive statement of the applicant, if false, it would be incumbent on the Cherokee Nation to show that during this time he had lived elsewhere. This, in effect, would shift the burden of proof and would be the assumption of a position that can be sustained neither by reason nor authority.

The question raised in applicant's brief as to the proper construction of Article IX, treaty of 1866, relative to return of ex-slaves and free colored persons, is not necessary to consider here, as the Department some time since decided this question adverse to the position now taken by the applicants.

In its decision rendered on March 11, 1904, the Commission to the Five Civilized Tribes found that the said George W. Vann, Cherokee Freedmen Doubtful case No. 115, was neither the slave of a Cherokee citizen nor a free colored person residing in

the Cherokee country at the commencement of the rebellion, said decision being duly forwarded to the Department where it is now pending. His credibility as a witness has been passed upon by the Department in the case of George T. Wilson, et al. (I.T.D. 240-05).

Departmental letter of September 13, 1905 (I.T.D. 2540-1905), remanded this case with instructions that the applicants be allowed "a reasonable time within which to submit further testimony." This having been done, and no sufficient reason shown why further time should be granted, applicants' motion for continuance filed herein on October 5, 1905, was denied.

**FINDINGS OF FACT AND CONCLUSION:** It is considered that the record in this case shows that the principal applicant, Isom Johnson, has been granted ample opportunity but has failed to establish by satisfactory evidence that he returned to the Cherokee Nation, after the rebellion, and established his residence therein, within the time specified in the Whitacre decree, hence, his case comes within the ruling of the Department in the cases of Eliza Bryant, et al. (I.T.D. 844-04), William Hector (I.T.D. 1468-04), Minnie Duncan, et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Moses Ross (I.T.D. 6056-04), Jane Looney et al. (I.T.D. 6410, 12688-04) and Florence Bratcher (I.T.D. 7144, 12692-04).

It is further considered that the evidence in this case shows that the applicant, Matilda Johnson, possesses no rights to Cherokee freedman citizenship, and that the minor applicants were born since 1866, are children of the said Isom and Matilda Johnson, and possess no rights to enrollment as Cherokee freedmen other than those derived as such descendants.

**IT IS, THEREFORE, ORDERED AND ADJUDGED:** That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Isom Johnson, Matilda Johnson, Paul Johnson, Isaac Johnson, Lulu Johnson, Adam Johnson, Turner Johnson and Ida Johnson, are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such is accordingly denied.

SIGNED)

*Tame Dixie*

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 27 1906

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

In the matter of the application of ISOM JOHNSON, ET AL., for enrollment as freedmen citizens of the Cherokee Nation, C. F. D. No. 97.

Brief on Behalf of the Cherokee Nation.

Counsel for applicants file an elaborate argument in this case, contending that the applicants should be enrolled as freedmen citizens of the Cherokee Nation under Article 9 of the Treaty of 1866.

The testimony in this case shows, or tends to show that Isom Johnson previous to the war was a slave of George Johnson, but the Cherokee Nation contends that the testimony conclusively shows beyond any question that Isom Johnson did not return within the time prescribed by the treaty of 1866 or prior to February 11, 1867.

The burden of proof in all citizenship cases is upon the applicant to make out his case by a fair preponderance of the testimony and it was, therefore, necessary for the applicant by reputable witnesses to prove:

First, that he returned to the Cherokee Nation prior to February 11, 1867, and established a permanent residence in the Cherokee Nation, and,

Second, he must show that he has continuously resided in the Cherokee Nation subsequent to that time.

There are really no legal questions involved in this case, but only questions of fact. Counsel for applicants attempt to argue that Darkie Johnson, the mother of Isom Johnson, returned in 1866, and that, therefore, it makes no difference whether the principal applicant, Isom Johnson, returned or not; that he is entitled because of his mother's return. If the attorney who briefed the case had examined the record he would have found that Isom Johnson swore on the 17th day of April, 1901, that he was 66 years of age and he was, therefore, born in 1835, and, therefore, 26 years of age at the commencement of the war of the rebellion in 1861; a grown man, himself a slave, and his case does not, therefore, depend upon that of his mother, but must stand or fall upon the date of his return and his own residence subsequent to that time.

Now then what does the testimony disclose as to the date of Isom Johnson's return? Of course he swears it, as do all other freedmen applicants, and he swears in his original statement that he has continuously resided in the Cherokee Nation subsequent to 1866. In support of his application he brings the famous George W. Vann before the Commission as a witness; this man Vann has been rejected as a freedman applicant by the Commission to the Five Civilized Tribes and the testimony in his case, which is Freedmen Doubtful 115, clearly shows that he was never seen in the Cherokee Nation by any reputable witness prior to 1877. He, Vann, has testified in a great many spurious cases. The Commission to the Five Civilized Tribes thoroughly understand what weight to give to his testimony without any further comment upon it from us, and the very fact that Isom Johnson presents this disreputable person as a witness shows that he has a weak case, because he does not attempt to get reputable people to testify for him. The next witness introduced on his behalf is Zack Craig, a freedman living in Fort Smith, Arkansas. He never lived in the Cherokee Nation before the war; he never knew Isom Johnson before the war and Craig at no time lived in the Cherokee



Nation. If you will closely analyze his testimony it will be seen that he admits attempts to say that he saw Isom Johnson crossing the river in a ferry boat in 1866, and this is as near as he gets to seeing him in the Cherokee Nation. He (Craig) claims, however, that his mother lived in the Cherokee Nation, on the old Johnson place, but upon a close examination of his testimony it will be seen that he did not know her name; he did not know who lived with her; he never saw Isom at her house, and finally admits that he was never at her house himself. This is all of the testimony introduced on behalf of applicants. Would it be argued before any jury that Isom Johnson, his wife and six children should be admitted upon such flimsy testimony as this? Here are claims worth six or eight thousand dollars and yet Isom Johnson does not bring a single witness who had ever been a citizen of the Cherokee Nation or who is shown to have lived in the Cherokee Nation in 1866 or for ten years thereafter to show that he lived there. His attorneys practically abandon his case so far as his claiming to have returned in 1866 is concerned and ask for enrollment because he is the descendant of Dinah Johnson, who they claim was living there in 1866.

But lets examine the testimony introduced on behalf of the Cherokee Nation, testimony which counsel for applicants would call negative testimony, and see what it discloses. The Commission itself called to the stand Albert Johnson and Joseph Johnson both slaves of Ben Johnson, the same man who is alleged to have formerly owned Isom Johnson, Isom afterward going to George Johnson, the son of the said Ben Johnson, who owned Albert Johnson and Joseph Johnson. These two freedmen witnesses were not called by the Cherokee Nation; they were old slaves of the same man and quite likely relatives of Isom Johnson and they come back in 1866 and located on the old Johnson place, just where Isom claims to have come. Both Albert and Joseph Johnson swore directly and positively that Isom was not there and that they never saw him for a number of years thereafter. Here are two freedmen that are disinterested; they are citizens of the Cherokee Nation; they belonged to the same master; they knew Isom before the war; they came back to the same point to which Isom claims to have come in 1866, and Albert Johnson lives in the same neighborhood yet, while Joseph only a few years ago moved from that vicinity to Near Muskogee I. T., but he lived a number of years subsequent to 1866 on the old Johnson place. Now is it possible for Isom Johnson to have lived upon that place or in that vicinity without these two slaves who belonged to the same master knowing it? Could Isom Johnson and George W. Vann and Zack Craig have testified to the truth? They certainly did not, because here are two witnesses that lived upon the same farm and they know that he did not come back for several years after 1866.

But lets proceed further. John Melton, another old slave whose name is upon the roll of 1880 and who returned to the Jack Campbell place, a place which very nearly joins by cornering up to the old Johnson place. Here John Melton lived until 1871, for five years and since that time he has lived in that vicinity from Muldrow to Fort Smith, and he swears that Isom Johnson was not there and that he never saw him until 16 or 17 or 18 years after the war, which would have made it from 1881 to 1884. Frank Morgan also a citizen of the Cherokee Nation, and residing in what is known as the Fort Smith Bottom, this being on the Cherokee side, opposite Fort Smith, Arkansas. He testifies that he went down there in 1875; that he taught school a while; that he married in 1879; that he ran for office; that he knew all the people who owned the Johnson family, and who lived in that immediate vicinity, and that Isom Johnson was not there prior to 1883, but that he saw him moving in and he remembers his peculiar wagon, when he was ferried across the river from a point down on Potat River which was an unusual landing on the Choctaw side. He says this was in 1883, which is about the time that John Melton says he came there. Gabriel L. Payne testifies also that he moved to this old Johnson place in February, 1869; that his father

purchased it and that the family still owns it; that he has continuously resided there up to the present time; that Isom Johnson did not live there in 1869; that he never knew him prior to 1883 or 1884, when he first moved into that vicinity. He and Morgan both testify of their wide acquaintance at an early date throughout that community then sparsely settled; that they knew everybody in that community, and that they never saw Isom Johnson prior to 1883.

Here is the testimony of Albert Johnson and Joseph Johnson, two old slaves of the same master, and the testimony of John Melton, another slave whose name is upon the roll of 1860 and a recognized citizen of the Cherokee nation, the testimony of Gabriel L. Payne who has lived upon the old Johnson farm since 1869, himself a citizen by adoption of the Cherokee nation and the testimony of Frank Morgan, a Cherokee by blood <sup>none</sup> ~~whom~~ has lived in that vicinity since 1875 and ~~known~~ of these witnesses who lived upon and adjoining the Johnson place where Isom Johnson claims to have returned, ever saw him prior to 1883. Contrast their testimony with the testimony of the disreputable George W. Vann and the testimony of the freedman Zack Craig who never lived in the Cherokee nation, who had no means of knowing that about which he testified, and we do not hesitate to say that it is the duty of the commissioner to the Five Civilized Tribes to refuse to enroll these applicants as freedmen citizens of the Cherokee Nation.

Respectfully submitted,

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Attorneys for the Cherokee Nation.

990

# **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. Isaac Johnson,  
Muldrow, I.T.  
Cherokee F-D-97  
Register.

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

Charakee Freedman  
No. 2-27.

Madame, Indian Territory, July 8, 1902.

John Johnson,

Madame, Indian Territory.

Sir:-

In the matter of your application for the enrollment of your three minor children, Paul, Isaac and Lina Johnson, as Charakee Freedmen, you are required to file with the Commission a certificate of your marriage to your former wife, Mary Jane, or a duly certified copy thereof.

In the event that you are unable to file such certificate, or a certified copy thereof, you are required to bring before the Commission two persons who witnessed said marriage.

You will be allowed until August 1, 1902 within which to comply with this requirement.

Very respectfully,

Acting Chairman.

Register.

COPY.

Cherokee Freedmen

D-97.

Mustoge, Indian Territory, July 23, 1904.

The Honorable,

The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the matter of the application of Isaac Johnson for the enrollment of himself, his wife, Matilda Johnson, and his six minor children, Saml, Isaac, Luke, Adam, Turner and Ida Johnson, as Cherokee freedmen, including the Commission's decision dated July 23, 1904, rejecting said application.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Encl. 3-142.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

D-97.

Waskagee, Indian Territory, July 28, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Isaac Johnson for the enrollment of himself, his wife, Matilda Johnson, and his six minor children, Paul, Isaac, Lulu, Adam, Turner and Ida Johnson as Cherokee freedmen.

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

Respectfully,

*I. B. Needles,*  
Commissioner in Charge.

Encl. S-141.

COPY.

Cherokee Freedmen

D-97.

Muskogee, Indian Territory, July 28, 1904.

Thomas J. Watts,  
Attorney for Isaac Johnson, et al.,  
Sallisaw, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Isaac Johnson for the enrollment of himself, his wife, Matilda Johnson, and their six minor children Paul, Isaac, Lulu, Adam, Turner and Ida Johnson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

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

Encl. S-140.

Register.



COPY

Cherokee Freedmen

D-97.

Muskogee, Indian Territory, July 23, 1904.

Isen Johnson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the Decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting your application for the enrollment of yourself, your wife, Matilda Johnson, and your six minor children, Paul, Isaac, Lulu, Adam, Turner and Ida Johnson, as Cherokee Freedmen.

There has heretofore been furnished your attorney, Thomas E. Watts, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's Decision.

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

Respectfully,

I. B. Needles,  
Commissioner in Charge.

Encl. D-134.

Register.

Cherokee Freedmen

D-97.

Muskogee, Indian Territory, August 12, 1904.

Thomas J. Watts,

Attorney for Isaac Johnson, et al.,

Sallisaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of August 2, acknowledging receipt of the copy of the Commission's decision in Cherokee Freedmen D-97, Isaac Johnson, et al., and asking to be furnished with a copy of the record of proceedings had in said case. There is accordingly herewith enclosed to you a copy of the record of proceedings, together with a blank form of receipt for same, which you are requested to sign and return to the Commission.

Respectfully,

Encl. 2-29.

Commissioner in Charge.

( COPY )

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,  
the following:

WASHINGTON, September 2, 1904.

Land.

52174-1904.

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 28, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Isaac Johnson for himself, his wife, Matilda Johnson, and his minor children, Paul, Isaac, Lulu, Anna, Turner and Ida Johnson.

July 23, 1904, the Commission decided adversely to the applicants

The record shows that Isaac Johnson was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he left the Cherokee Nation and did not return thereto on or before February 11, 1867.

The applicant, Matilda Johnson was born since 1866, and is the daughter of Bose and Millie West, who are shown to have been slaves in the State of Texas at the beginning of the war of the rebellion, and who did not come into the Cherokee Nation until the year 1890.

The other applicants are minor children of Isaac Johnson and possess no rights to enrollment except through him.

None of the applicants is identified as any fell pertaining to the Cherokee Nation.

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

Very respectfully,

W. A. Jones

Commissioner.

H.H.H.

(Copy of a copy)

Refer in reply  
to the following  
Land  
57356-1004

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS  
WASHINGTON, September 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 August 17 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgia, and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 8, 1904, the Commission decided adversely to the applicants .

The record shows that the Applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return on or before February 11 1867; that all the other applicants except John West, Lugenia Harris

and Janie Harris were born since 1800, and are the descendants of  
Doss West and Millie West, and that they acquired no greater  
rights than were possessed by their ancestors. It does not appear  
that either Doss or Millie West were the slaves of a Georgia  
citizen or a free colored person residing in the Georgia Nation  
at the beginning of the war of the rebellion.

None of the applicants is identified on the 1850 unadmit-  
ted Cherokee roll.

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

Very respectfully,

A. C. Gomer  
Acting Commissioner

M.M.H.

W.

( COPY )

456

W.C.F.

DEPARTMENT OF THE INTERIOR,

W.D.

D. C. JOHN-1904.

WASHINGTON, September 22, 1904.

ITS 7442-1904.

S.P.

Commissioner to the

Five Civilized Tribes,

Washington, Indian Territory.

Dear Sir:

July 25, 1904, you transmitted the record of proceedings had in the matter of the application of Isaac Johnson for the enrollment of himself, his wife, Malinda Johnson, and his six minor children, Paul, Isaac, Edie, Ann, Turner and Ida Johnson, as Cherokee freedmen, including your decision of July 25, 1904, adverse to the applicants.

Reporting in the matter September 2, 1904, the Commissioner of Indian Affairs recommended the approval of your decision.

Concurring in the recommendation of the Commissioner your decision of July 25, 1904, adverse to the applicants is hereby affirmed.

A copy of the Commissioner's report is enclosed.

Respectfully,

(Signed) Theo. Ryan

D. Johnson.

Acting Secretary.

D.C. 38949-1904  
I.T.D. 7004-1904

( Copy of a copy )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

V.C.F.  
J.P.  
PHE  
L.R.S.

October 16, 1904.

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

Gentlemen:

August 17, 1904, you transmitted the record in  
the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the en-  
rollment as Cherokee freedmen of Houston West and his minor  
children, Ida, Nancy, Fannie, Georgie and William West; of  
George West and his minor children, George Jr., Jessie, Albertina  
and James West, and his wife, Elsie West, of Callie West (son  
of Henry West); of John West; of Lagonia Harris and her minor  
child, Janie Harris; and of Callie West (son of Houston West).  
The application for the enrollment of the applicant Elsie West  
as a Cherokee freedman by intermarriage was not passed upon by you,  
and is therefore not included in this decision.

It appears that the applicant James West died  
June 17, 1903, and on August 3, 1904, you dismissed the application  
for the enrollment of James West, and decided that all the other  
applicants herein are not entitled to enrollment.



Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Lagonia Harris were born subsequent to 1866, and are son and daughter of Bece West, a brother of the applicant Houston West. The evidence shows that Bece West did not return to the Cherokee Nation

prior to February 11, 1867.

Your decision, in so far as it affects said John West, Lougenia Harria and Janie Harris, is therefore approved; Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West Jr., Jessie West, Albertha West, Callie West (son of Henry West), and Callis West (son of Houston West), is reversed, and you are directed to enroll said applicants as Cherokee freedmen.

---

A copy of the Acting Commissioner's letter is inclosed.

Respectfully

1 inclosure

Thos Ryan  
Acting secretary

COPY.

Cherokee freedmen  
D--97

Muskogee, Indian Territory, October 25, 1904.

Ison Johnson,

Muldrow, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of yourself, your wife, Matilda Johnson, and your children, Paul Johnson, Isaac Johnson, Lulu Johnson, Adam Johnson, Turner Johnson and Ida Johnson, as Cherokee freedmen, was approved by the Secretary of the Interior on September 22, 1904.

Respectfully,

(SIGNED) *Tame Bixby*  
Chairman.

COPY.

Cherokee Freedmen  
D---97

Muskogee, Indian Territory, October 25, 1904.

Thomas J. Watts,  
Attorney at Law,  
Sallisaw, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Isaac Johnson, his wife, Matilda Johnson, and his children, Paul Johnson, Isaac Johnson, Lulu Johnson, Adam Johnson, Turner Johnson and Ida Johnson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 22, 1904.

Respectfully,

(SIGNED) *Tamc Binkley*  
Chairman.

COPY.

Cherokee freedmen  
D--97

Muskogee, Indian Territory, October 25, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Isom Johnson, his wife, Matilda Johnson, and his children, Paul Johnson, Isaac Johnson, Lulu Johnson, Adam Johnson, Turner Johnson and Ida Johnson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 22, 1904.

Respectfully,

SIGNED: *Tamc Dixby*  
Chairman.

COPY.

Cherokee Freedman  
D-97.

Muskogee, Indian Territory, January 24, 1905.

E. M. Frye,

Sallisaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 17, 1905, asking to be advised as to the status of the application for the enrollment of Isaac Johnson as a Cherokee freedman.

In reply you are advised that the Commission's decision, dated July 23, 1904, rejecting the application for the enrollment of Isaac Johnson as a Cherokee freedman was affirmed by the Secretary of the Interior on September 23, 1904.

Respectfully,

SIGNED.

*Tams Bixby*  
Chairman.

COPY,

Cherokee Freedmen  
E-27.

Muskogee, Indian Territory, February 20, 1908.

Neal & London,

Attorneys for Ison Johnson et al.,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of February 15, 1908 inclosing, for transmission to the Secretary of the Interior, motion for a rehearing in the matter of the application for the enrollment of Ison Johnson et al. as Cherokee Freedmen.

You are advised that said motion has this day been transmitted to the Department.

Respectfully,

(SIGNED). *Tatus Bixby*  
Chairman.

COPY.

Cherokee Freedman  
D-97.

Waskagee, Indian Territory, February 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

On February 18, 1905, there was filed with the Commission, by Neal & London of Fort Smith, Arkansas, a motion for a rehearing in the matter of the application for the enrollment of Isaac Johnson et al., as Cherokee freedmen.

Inasmuch as the records of the Commission show that its decision, dated July 22, 1904, rejecting the application for the enrollment of the parties referred to as Cherokee freedmen, was approved by the Secretary of the Interior on September 22, 1904, the motion is herewith transmitted for appropriate action.

Respectfully,

(SIGNED) *James Dixby, Chairman.*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Encl. 2.16.



73530

Department of the Interior. RECEIVED. MAR 1 1905 Enc. No. <u>6</u> of No. <u>2540</u> Indian Territory Division.
--

Refer in reply to the following:

Land,  
66012-1904.  
16835-1905.

COPY  
Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 22, 1904,-  
I. T. D., 7112- approving the decision of the Commission adverse to  
the enrollment of Isom Johnson, et al., as Cherokee freedmen, there  
is enclosed a communication from the Commission, dated February 24,  
1905, forwarding motion of Neal and London, of Fort Smith, Arkansas,  
for a rehearing in said case. The record is also enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAY-Ma

D. C. 43493-1908.  
I.T.D. 2540-1908.  
LMB

W.C.P.  
Y.P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 13, 1906.

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

Sir:

On September 22, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants in the Cherokee freedman case of Isaac Johnson et al.

On February 24, 1905, the Commission transmitted a motion filed by the attorneys for the applicants in said case, requesting that the case be reopened, claiming that they are in possession of newly discovered evidence which will show that the principal applicant returned to the Cherokee Nation prior to February 11, 1867, and submitting the affidavits of Sam Hughes and Lewis Bowlin in support thereof.

In view of these affidavits, the Department considers that said case should be reopened. Departmental decision of September 22, 1904, is therefore rescinded.

The testimony submitted, together with the motion for review, and the affidavits attached thereto, are returned herewith.

It is desired that you so notify the principal parties and allow the applicants a reasonable time within which to submit

further testimony.

Respectfully,

2 inclosures.

(Signed) Theo Ryan  
Acting Secretary.

Cherokee Freedmen

D-97.

Muskogee, Indian Territory, September 22, 1905.

Isaac Johnson,

Muskogee, Indian Territory.

Dear Sir:

In connection with your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter of September 13, 1905, in which the decision of the Secretary of the Interior of September 22, 1904, affirming the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application for the enrollment of yourself and children as Cherokee freedmen, is rescinded and the case remanded to this office for further hearing.

You are, therefore, hereby notified to appear before the office of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 5, 1905, and introduce further testimony as to the right to enrollment, as Cherokee freedmen, of yourself and children.

Filed with the motion to have your case reopened are affidavits signed by Sam Hughes and Lewis Bowlin in support thereof, and you are directed to have them to appear before the

offices of the Commissioner on the above date for the purpose of giving testimony as to your right to enrollment as Cherokee Freedmen. The Cherokee Nation will also be permitted to appear on that day and introduce testimony.

Respectfully,

LS  
Register

Acting Commissioner,

Cherokee Freedmen

D-97.

Muskogee, Indian Territory, September 22, 1906.

Neal & London,

Attorneys for Isaac Johnson, et al.,

Fort Smith, Arkansas,

Gentlemen:

In connection with the application for the enrollment of Isaac Johnson, et al., as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter of September 13, 1906, in which the decision of the Secretary of the Interior of September 28, 1904, affirming the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application for the enrollment of Isaac Johnson, et al., as Cherokee freedmen, is rescinded and the case remanded to this office for further hearing.

The principal applicant has, therefore, 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, October 5, 1906, and introduce further testimony as to his right to enrollment as a Cherokee freedman.

Filed in support of motion to have this case reopened are affidavits signed by Sam Hughes and Lewis Bowlin, and the principal applicant, Isaac Johnson, has been directed to have

them appear before the offices of the Commissioner for the purpose of giving testimony in this case.

There is inclosed herewith a copy of Departmental letter above referred to.

Respectfully,

ES

Acting Commissioner.

Incl. 8-22



Cherokee Freedmen

D-97.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of Isom Johnson, et al., as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter of September 13, 1905, in which the decision of the Secretary of the Interior of September 22, 1904, affirming the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application for the enrollment of Isom Johnson, et al., as Cherokee freedmen, is rescinded and the case remanded to this office for further hearing.

The principal applicant has, therefore, 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, October 5, 1905, and introduce further testimony as to his right to enrollment as a Cherokee freedman.

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

Filed in support of motion to have this case reopened are affidavits signed by Sam Hughes and Lewis Bowlin, and the principal applicant, Isom Johnson, has been directed to have them appear before the offices of the Commissioner for the purpose of giving testimony in this case.

Respectfully,

LS

Acting Commissioner.

Incl. 8-23

Cherokee Freedmen.

D-97.

OPY

Muskogee, Indian Territory, December 14, 1905.

Neal & London,

Attorneys for Isaac Johnson, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen, together with Departmental decision of October 15, 1904, in said case.

There is also inclosed a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated December 13, 1905, making said documents a part of the record in the matter of the application for the enrollment as Cherokee freedmen of Isaac Johnson, et al.

Respectfully,

Yours,

*Tama Bixby,*  
Commissioner.

Incl. 3-76

Cherokee Freedmen

D-97.

Muskogee, Indian Territory, December 14, 1905.

Bell, Hastings & Dayenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen, together with Departmental decision of October 15, 1904, in said case.

There is also inclosed a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated December 13, 1905, making said documents a part of the record in the matter of the application for the enrollment, as Cherokee freedmen, of Isaac Johnson, et al.

Respectfully,

Incl. S-77

SIGNED:

*James Bixby*  
Commissioner.

Cherokee Freedmen

D-97

COPY.

Muskogee, Indian Territory, June 27, 1906.

Isom Johnson,

Muldrow, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 27, 1906, rejecting your application for the enrollment of yourself, your wife, Matilda Johnson, and children Paul, Isaac, Lulu, Adam, Turner and Ida Johnson as Cherokee Freedmen.

Your attorneys, Neal and London, Fort Smith, Arkansas, have heretofore been furnished a copy of the record of proceedings and there is this day 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,

SIGNED.

Encl. H.J.-132.

H.J.C.

Register . .

*Jame Bixby.*  
Commissioner.

Cherokee Freedmen  
D-97

COPY.

Muskogee, Indian Territory, June 27, 1906.

Heal and London,

Attorneys for Isom Johnson, et al.,  
Fort Smith, Arkansas.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for enrollment of Isom Johnson, et al., as Cherokee Freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

Respectfully,

(SIGNED).

*Tame Bixby.*  
Commissioner.

Encl. H.J.-133.  
H.J.C.

Cherokee Freedmen  
D-97

COPY.

Muskogee, Indian Territory, June 27, 1906.

Bell, Hastings and Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 27, 1906, rejecting the application for the enrollment of Isom Johnson 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,

(SIGNED).

Encl. H.J.-134.  
H.J.C.

*Tame Dixby*  
Commissioner.

COPY.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Isaac Johnson, et al., as Cherokee Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of Isaac, Matilda, Paul, Isaac, Lulu, Adam, Turner and Ida Johnson as Cherokee Freedmen.

On September 13, 1905 (I.T.D. 2540-1905), this case was remanded to this office for further hearing and readjudication.

Respectfully,

SIGNED:

*Tames Bixby.*

Commissioner.

Encl. H.J.-138.  
H.J.C.

Through the

Commissioner of Indian Affairs.



Land  
54231-1904.

-Copy-

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

November 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith for Departmental consideration, report of Commissioner Bixby, dated June 27, 1906, together with the record in the matter of the application of Isaac Johnson, et. al., for enrollment as Cherokee freedmen.

The record shows that on April 17, 1901, Isaac Johnson appeared before the Commission to the Five Civilized Tribes at Ft. Gibson, I.T., and made application for the enrollment of himself and wife, Matilda Johnson, and minor children, Paul, Isaac, Lulu, Adam, Turner and Ida Johnson, as Cherokee freedmen.

Further proceedings were had in the case on September 7, 1901, at Ft. Gibson. A copy of the testimony taken on July 2, and September 4, 1901, at Nowata and Ft. Gibson, the decision by the Commission rendered August 5, 1904, and Departmental letter of October 15, 1904, (I.T.D. 7604) in re. application of John West for enrollment as a Cherokee freedman, accompany and are made a part of the record in this case.

The Commission on July 23, 1904, rendered its decision herein, denying the right of the applicants to enrollment. The Office, under date of September 2, 1904, (Land 52174-1904) concurred in the decision of the Commission, and on September 22,

1904, (S.T.D. 7712-1904), it was affirmed by the Department. Thereafter on September 13, 1905, (I.T.D. 2540-1905) on motion of the applicants, the Department rescinded its decision of September 22, 1904, and returned the record in this case to the Commission for further testimony. In accordance with Departmental instructions further testimony was taken at Muskogee, Indian Territory, on October 5, 1905.

At the hearing on the latter date, the testimony of Jack Craig was taken in behalf of the applicants, after which they filed a motion for continuance, which was denied by the Commissioner. The applicants alleged in support of their motion for continuance that a witness, Lewis Bolin, was unable to be present on account of sickness, and that another witness, Sam Hughes, had promised to testify on several occasions prior to the hearing, but now refused to appear without a subpoena, giving as his reason therefor that he feared personal injury if he appeared voluntarily. These are the parties whose names are attached to the affidavits on which the motion for re-opening was granted by the Department in letter of September 13, 1905, supra.

The Commissioner in denying the motion considers that in accordance with Departmental instructions, reasonable time was given the applicants in which to submit further testimony, and this having been done and no sufficient reason given why further time should be granted, the motion was denied.

In this connection it will be observed that the document filed with the motion purporting to be a certificate as to the

illness of Lewis Bolin, signed by one J. G. Thomas, M.D., is not sworn to, and that the illness of Bolin is alleged to have begun on September 27, 1905, eight or nine days before the hearing. It would seem reasonable to suppose that the applicants' attorneys, having ample notice of the hearing and depending on Bolin as one of their principal witnesses in this case, could, with reasonable diligence, have ascertained his condition in time to file this motion before the hearing began and before the Nation had gone to the trouble and expense of summoning witnesses who were there and ready to testify.

As to the absence of Sam Hughes, it would be nothing short of an absurdity, in the opinion of the Office, to continue the case on the unsupported allegations of the applicant, Ison Johnson, that Hughes "refuses to come without a summons for fear of personal violence", especially in view of the fact that ample opportunity to procure a subpoena was given before trial.

For these reasons and for the further reason that an examination of the whole record seems to indicate that the applicants, with the opportunities already offered them, have failed to produce evidence in support of their claim, which would in ordinary cases, warrant its further consideration, this Office is of the opinion that the Commissioner's action in denying the applicants motion for continuance should be sustained.

Commenting on that part of the brief filed by the applicants wherein it is assumed that the affidavits in support of the motion for a rehearing are competent evidence and conclu-

sive of the matters therein set forth, the Commissioner refuses to give these affidavits any weight whatever, as evidence, giving as his reason therefor that they were filed for the particular purpose of supporting a motion for reopening, and having served that purpose, are, so far as the issues of this case are concerned, eliminated from further consideration. He argues that to hold otherwise in this or like cases, would be to permit applicants to establish their citizenship rights without the introduction of witnesses, and establish a precedent, which, if followed to its logical conclusion, would result in permitting claimants to establish their rights to enrollment by simply filing affidavits in support of their claims, signed by persons in any state in the Union (in this instance the affiants are foreigners, residing in Arkansas).

This Office is of the opinion that, as a general rule, the right of applicants to file affidavits as to certain matters should not be abridged, but in this case the affidavits referred to are clearly in the nature of an original complaint, and the matters therein alleged cannot be taken as true until proved by competent evidence. Were the rule otherwise, there would clearly be no occasion for granting a motion for rehearing, and the issues of the case would be determined by affidavits framed to suit the necessities of the case and without opportunity of cross-examination by either side. The Commissioner's ruling on this point seems entirely reasonable, and it is recommended that it be sustained.

The record shows that the applicant, Isom Johnson, claims the right to enrollment as a Cherokee freedman by virtue of his compliance with Article IX, Treaty of 1866; that the applicant, Matilda Johnson, claims the same right as descendant of her father, Boce West, and that the minor applicants herein claim the right to Cherokee freedman citizenship as descendants of Isom and Matilda Johnson.

It is fully established by the record that the applicant, Isom Johnson, was born prior to 1861, and at the commencement of the rebellion was the slave of a Cherokee citizen (whether his master was Ben or George Johnson, both Cherokee citizens, is a question on which the applicant and his witnesses conflict); that he was taken from the Cherokee Nation during the rebellion and later returned and established a residence therein; that the applicant, Matilda Johnson, was born since 1866 and is the daughter of Boce and Millie West, both deceased, and has no rights to Cherokee freedmen citizenship; that the minor applicants, Paul, Isaac, and Lulu Johnson, were born since 1866, are children of Isom Johnson and Lucy Jane Berryhill, deceased, who was a non-citizen of the Cherokee Nation, and that the minor applicants, Adam, Turner and Ida Johnson, were born since 1890, and are children of Isom and Matilda Johnson.

The Commissioner finds that, with the exception of Isom, Paul and Isaac Johnson, who are on the Wallace roll, none of the applicants, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can

be identified on any roll of the Nation in the custody of his Office.

On this state of facts the question to be determined and the one to which practically all the evidence is directed, is, did Isom Johnson return to and establish his residence in the Cherokee Nation, prior to February 11, 1867.

The applicant, on April 17, 1901, at Ft. Gibson, I. T., testified that he was at that time 66 years old; that he went with Ben Johnson to the Choctaw Nation during the war, but returned to the old home (Sequoyah district, Cherokee Nation) in 1866, and had lived in the Nation ever since.

Albert Johnson and Joseph Johnson, former slaves of Ben Johnson, Isom's master, were placed on the stand and testified that they were recognized Cherokee freedmen; that they had known Isom Johnson from earliest recollection; that they all belonged to the same master, and were taken to the Choctaw Nation during the war; that they (Albert and Joseph) returned to the old Ben Johnson place in 1866 and did not see the applicant for a number of years thereafter. This testimony is borne out by that of John Melton, an ex-slave, 68 years old, whose name is on the roll of 1880, and who returned to the immediate vicinity of the Johnson place in 1866. He testifies that Isom Johnson was not there, and that he, the witness, has lived there and in that vicinity since 1866, and that he never saw the applicant until 17 or 18 years after the war.

Testimony is also introduced by the Nation to show that

Isom Johnson did not return to his old home until about 1863.

Frank Craig, for the applicant, whose testimony as to the latter's return in 1866, is conflicting and unsatisfactory, never made his home in the Cherokee Nation. George W. Vann, whose credibility as a witness was considered in the case of George W. Wilson (I.T.D. 2540-240-05) also says that he never lived with Johnson after the war, his home being around Ft. Smith since that time.

Dennis Bean, the only witness produced by the applicant who is a resident of the Nation, testifies that his age is 42 years (in 1901) and that he saw Isom Johnson in 1866 across the river from Ft. Smith, where he had visited his mother, Old Darkie Johnson.

Attention is invited to the fact that Bean, if his testimony as to his age is true, was only seven years old in 1866.

An attempt is made by the applicant to base his right on that of his mother, who, it is claimed, was a resident in the Nation during and long after the war. On his own testimony the applicant was 66 years old in 1901, which if true, would make him 31 years old in 1866. If his mother's residence were satisfactorily proven, his age at that time would bar him from claiming under her.

In the ordinary course of events a person who returned to a certain locality in 1866 and has resided there since, as Isom Johnson claims to have done, should have no difficulty in producing competent and satisfactory evidence of that fact from

his neighbors and friends. This the applicant has failed to do, although given ample opportunity. A careful review of the record leads this Office to the conclusion that insufficient evidence has been produced by the applicants to warrant either a further consideration of this case or the placing of their names on the roll of Cherokee freedmen. It is therefore recommended that the application of Isom Johnson, his wife, Matilda Johnson, and of the minor applicants herein, be denied, in accordance with Commissioner Bixby's decision.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A.F.W. - ML



D.C. 769-1907.

( COPY )

Y.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

F.H.R.

I.T.D. 24202-1906.

December 29, 1906.

L.R.S.

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

Sir:

June 27, 1906, you resubmitted the record in the matter of the application for the enrollment of Isaac Johnson, et al., as Cherokee Freedmen, including your decision of the same date, rejecting the application for the enrolment of Isaac, Matilda, Paul, Isaac, Lulu, Adam, Turner and Ida Johnson.

Reporting November 30, 1906 (Land 86231), the Indian Office recommends that said 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 matter have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

X inc. and 3 for Ind. Of.

Cherokee Y.  
D 97.

Muskogee, Indian Territory, January 12, 1907.

Isom Johnson,

Muldrow, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting your application for the enrollment of yourself, wife and children as Cherokee freedman, was affirmed by the Secretary of the Interior, December 29, 1906.

Respectfully,

J.M.H.

Commissioner.

Cherokee F.  
D 97.

Muskogee, Indian Territory, January 12, 1907.

Neal & London,  
Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of Isaac Johnson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, December 29, 1906.

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

Respectfully,

Encl.H-130  
JMH

Commissioner.

Cherokee F.  
D 97.

Muskogee, Indian Territory, January 12, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of Isaac Johnson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, December 29, 1906.

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

Respectfully,

Encl. E-131  
JMH

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

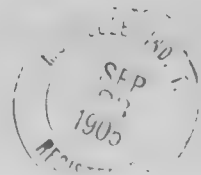
MUSKOGEE, IND. TER.

Reg. 10127



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FORT SMITH  
P.O.



*Handwritten initials*

*Fort Smith, IO*

Department of the Interior.

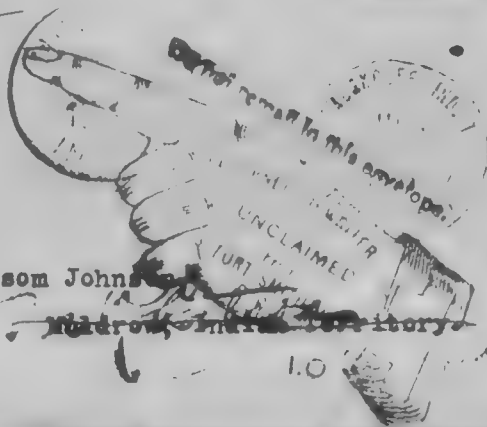
Commissioner to the Five Civilized Tribes,

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Isom John

Muskoe, Indian Territory

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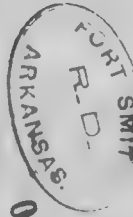
Department of the Interior

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SECOND NOTICE  
JUL 10 1906



Admission

Indian Territory Sept 11-1907

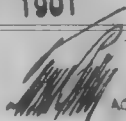
Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in The Case of John Johnson,  
Applicant for enrollment as a Native American

Sho. J. Wells  
Attorney for Applicant.

NY

7097.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
SEP 7 1901



ACTING CHAIRMAN.

COMMISSIONERS:  
HENRY L. DAWES,  
TANS SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
\_\_\_\_\_ for enrollment as  
Freedmen of the Cherokee Nation.

*Louis T. Brown*

No. \_\_\_\_\_

CHEROKEE CASE

No. 7097

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT

OF  
*Isom Johnson et al*

DEPARTMENT OF THE INTERIOR.

MAR 14 1905

Returned with No. 2540

Inclosure. ~~IND. TER. DIV.~~

*7/12*

As citizen of the Cherokee Nation.

Muskogee, I. T.,

190

Respectfully forwarded to the Secretary of the Interior  
for review.

Acting Chairman.

*S. J. [Signature]*

Cher Fr R 836

Trans. from Cher Fr D 115

Cher Fr R 836



CHEROKEE FREEDMEN.

Date APR 18 1901

Post Office *Benge*

District *Sequoyah*

1. Name *George W. Vann* Age *27*  
Owner's name *Jim Vann* Citizenship *Cherokee*  
Year *K.C.* Page *160* No. *3949* District *Sequoyah*

Parents:

Father ..... Citizenship

Mother ..... Citizenship

2. Name of wife *Mary Jane Vann* Age *45*

Owner's name ..... Citizenship

Year ..... Page ..... No. ..... District

Parents:

Father *Bot Marshall* ..... Citizenship

Mother *Sarah (Rouch)* ..... Citizenship

Names of Children:

No.	Name	Year	Page	No.	Dist.	
1	<i>Harrison Vann</i>					<i>19</i>
2	<i>John</i>					<i>14</i>
3	<i>Jane</i>					<i>11</i>
4	<i>John</i>					<i>16</i>
5	<i>Richard</i>					<i>14</i>
6	<i>Thomas</i>					<i>12</i>
7	<i>Harrison</i>					<i>10</i>
8	<i>James</i>					<i>9</i>
9	<i>Peter</i>					<i>6</i>
10						
11						

Application made by *no 4)* Stenographer *Rosson J. C.*

*Justified  
Ches Freeman*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., APRIL 18th, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, three children and six grand-children as Cherokee Freedmen, and for the enrollment of his wife, MARY J. VANN, as a Cherokee Freedman by intermarriage; said Vann being sworn and examined by Commissioner C. R. Breckinridge:

APPEARANCES: Mr. John F. Faulds, Attorney for Applicant.

Mr. W. W. Hastings, Cherokee Representative.

- Q Give me your full name? A George W. Vann.  
Q How old are you? A Be 77 on the 27th day of December next.  
Q What is your post office? A Benge.  
Q In what district do you live? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.  
Q Do you want to enroll anybody besides yourself? A I want me and about ten children.  
Q Have you a wife? A I have.  
Q Do you want to have her enrolled? A If it is law that she can be enrolled.  
Q You want to apply for her and see? A Yes, sir.  
Q And you have ten children? A Yes, sir.  
Q Are these children all under 21 years of age? A No, sir. There is one of them that is of age, one of them is about 50.  
Q He will have to apply for himself; the others are under 21 are they? A No, there is two ain't, by one woman, and the others are under age.  
Q You have got three children that are over age? A Yes, sir.  
Q That brings you down to seven that you can apply for yourself?  
A That is all.  
Q Now, that seven are all unmarried? A No, sir, some of them are married.  
Q Those married will have to apply for themselves; so how many unmarried children have you that you can apply for? A Four.  
Q You have got six grand-children? A Yes, sir.  
Q Are they living with you? A Yes, sir; they are going to school over in the Choctaw Nation.  
Q They are all under 21 and unmarried? A Yes, sir.  
Q You can apply then for yourself, your wife, four minor children, unmarried children, and six orphan children? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I come here in, about; well I come here before that, before I ever need here, I come here in '35, '36 and '37; I come here in '36.  
Q Were you a slave at that time? A I was.  
Q Did you live in the Cherokee Nation from the time you came here in 1836 until the Civil War broke out, the War between the North and South? A Yes, sir; that was my home.  
Q Were you a slave all the time? A Yes, sir; until the proclamation of Abraham Lincoln set me free.  
Q You were a slave until you were set free by the War? A Yes, sir.  
Q Where were you during the war? A Sometimes in the Choctaw Nation, sometimes in the Cree, sometimes in Fort Smith, sometimes down on the River running on the steam boat down the Mississippi; I was everywhere I could make money.  
Q You ranged over a wide scope of country? A Yes, sir.  
Q You were some in Arkansas? A Yes, sir.  
Q Some in Texas? A No, sir, I never lived in Texas.  
Q You packed on a steam boat for a while? A Yes, sir.  
Q How far down the River did you go? A To the Mississippi River; went from Little Rock to the Mississippi River, run backwards and forwards to the River.



Q How long did you run on the River there? A Some three or four months; the boat we was on was called Idowess.

Q What time did you come back to the Cherokee Nation after the war closed? A I never went off, I never went away to stay any at a time.

Q In what year were you boating out there on the Arkansas between Fort Smith and Little Rock? A I boated some there in '76.

Q We are talking about the time during the war? A I was not boating there, the war was principally over; during the war I was running from Fort Smith up here carrying up provisions to the soldiers, the regulars.

Q Now, the point I want to get at is where you were during the war? A I was sometimes in the Cherokee Nation, sometimes in the Choctaw Nation, sometimes down home, sometimes on the bridge there, sometimes fishing on the river; wherever I could make money.

Q When the war closed you settled down did you? A Yes, sir.

Q When did you marry? A I married here before the war, many years.

Q What business do you follow now? A I follow preaching and doctoring and farming, I have got two farms.

Q How long was it after the war closed was it until you settled down to farming? A Well, I went finally to farming in about '76.

Q Where did you farm then? A I farmed right on the river this side of Fort Smith, the place I bought from Mrs. Sheppard.

Q What did you do for a living before 1875, say ten years before 1875? A Everwhere that I go since I was emancipated? Sometimes fishing, up and down the river, sometimes one thing and sometimes another, sometimes doctoring and sometimes preaching.

Q Sort of an unsettled life that ten years? A Yes, sir.

Q You led a roving, unsettled life until about ten years before 1875, when you settled down to farming? A Yes, sir.

Q Were you married during that ten years? A No, sir, when, well, when my wife died, I married my last wife, a Creek colored woman just after the war.

Q And how long did you and this woman live together? A We are living together.

Q You were married during that ten years before 1875; I ask you if you were married during that ten years before 1875? A I said not all the time for my wife died and part of the time I got another woman.

Q Was your wife who died your first wife? A No, sir.

Q When did your wife die that you are talking about now?

A She died about, I think she died about some 11 or 12 years before the war.

Q When did you marry after her death? A I married a Cherokee woman belonging to Jim Vann.

Q You spoke of having married a Creek woman? A That is my last wife; I am living with her now.

Q When did you marry her? A I don't know.

Q When did you marry that Cherokee woman you are talking about?

A I married her before the war.

Q Did you live with her until she died? A Yes, sir.

Q When did she die? A Two years after the war.

Q And then you married a Creek woman? A Yes, sir.

Q How long after the death of the Cherokee woman was it until you married the Creek woman? A About two years, as near as I can guess at is.

Q You were married for two years immediately after the war, because your Cherokee wife was still living? A No, sir, my first wife I married was a Choctaw.

Q How many times have you been married? A Three times, lawfully married.

Q Who was your first lawful wife? A Narcissa Fulson, belonging to old Henry Fulson, Choctaw.

- Q When did you marry her? A I don't know, sir, so far back I could not tell you.
- Q Away before the war? A Yes, sir.
- Q About when did she die? A She died away before the war.
- Q She died some years before the war? A Yes, sir; I have got a son that about 80 years old by her.
- Q Then after her death you married a second time? A Yes, sir.
- Q Give me the name of your next wife? A Nancy Vann, Jim Vann's colored woman, Cherokee.
- Q Do you remember about when it was you married her? A Didn't live with her.
- Q But you married her before the war? A Yes, sir; I married her; the Choctaw wife died and then I married her.
- Q Did you live with Nancy Vann until she died? A Yes, sir.
- Q When did she die? A She died about, well right about, the war had been going on, in the time of the war.
- Q She died during the war? A Yes, I call it that.
- Q She died after the war begun and before it closed? A She died after it went on a while.
- Q Before it quit? A Yes, sir.
- Q Well then, after the death of Nancy Vann you married a third time? A Yes, sir; married a Creek colored woman.
- Q Give me her name? A Mary Jane.
- Q Was that all of her name when you married her, just Mary Jane? A That was her given name.
- Q I want her full name, Mary Jane what? A Mary Jane Reach.
- Q Now, you married her after the war closed? A Yes, sir.
- Q How long after the war closed? A I don't know exactly.
- Q Well, as near as you can get at it? A I must have married her some time in, I don't know, must have been in '60 sometime.
- Q You married her before you settled down to farming in 1875? A Yes, sir.
- Q Did you marry as much as five years before that time? A I don't hardly think it was, I won't be certain, because I don't know.
- Q She is your wife now is she? A Yes, sir.
- Q Now can you tell me just in a plain way where you lived and what you did between the time your wife Nancy Vann died and the time you married Mary Jane Reach? A I could not, sir.
- Q Could not tell about that? A No, sir, I could not, for I was everywhere around.
- Q You don't know where you went and what you were doing? A Sometimes I was fishing, sometimes I was preaching and sometimes doctoring and sometimes cooking on a boat.
- Q Do you know in what country you were staying? A I do.
- Q Well, in what country were you? A Sometimes in the Cherokee Nation, sometimes going to Fort Smith, sometimes at Greenwood, sometimes Tahlequah and sometimes Port Gibson, in the Creek Nation.
- Q And sometimes on a steam boat? A Yes, sir; I run here from three or four months on what is called the old Port Gibson boat.
- Q Did you run on a boat between Little Rock and the Mississippi River? A Yes, sir.
- Q Did you ever boat down on the Mississippi river? A No, sir, go down to the mouth and come back.
- Q Mouth of the Arkansas? A Yes, sir.
- Q Well, now since 1875, where have you been living? A Living down here near Fort Smith, right in front out there, a little piece back from the river, about a mile.
- Q You haven't been doing any work preaching and doctoring outside of the Cherokee Nation since 1875? A I am have.

Q Tell me something about that? A Well, sometimes in Fort Smith and sometimes in Van Buren and sometimes at Greenwood.

Q You were following your profession around to these places?

A Yes, sir.

Q You were preaching about during this time? A Yes, sir.

Q Have you a regular charge of a church? A I have.

Q Now what churches have you had charge of? A I have one now; I had charge of a church at New Hope, I had charge of a church.

Q Where is that church? A Down on the Missouri and Pacific Railroad, about five miles from the river.

Q In the Cherokee Nation? A Yes, sir.

Q You have had other churches have you? A Yes, sir, had charge of a church there at Niven's place, had charge of a church at Webbers Falls, had charge of a church at Fort Gibson and Tahlequah, at Yellow Springs in the Choctaw Nation, and had one at Scullville.

Q Did you have charge of any churches ever in Arkansas? A No, sir.

Q Just here in the ~~Choctaw~~ Territory? A I could not have them over there, my license are on Book B. at Muskogee, I am an Elder.

Q Whom did you belong to in the old times? A First to old Joe Vann and fell to his son Jim, Old Joe Vann was blown up on a steam boat on the upper Mississippi river.

Q Whom did you belong to at the time the war broke out? A Jim Vann.

Q He is dead is he? A He went off in time of the war to fight and I never seed him since any more; I heard he was dead.

Q Are any of his people living? A If they are, I don't know anything about it.

Q No children you knew? A Jimmy died at the Seminary teaching school, he Lavers married his youngest girl, she is dead.

Q Now what people know you and what you were doing and where you were living between 1865 and 1870, who all can you name that knew you? A I worked for Sallie Franklin, worked right there on the line for McKibben and next a little before Christmas in 1876, made a crop for Payne.

Q Whom did you work for in 1887? A I worked for Mrs. Franklin.

Q That is the Mrs. Franklin whose name you have given before?

A Yes, sir.

Q Anybody else? A I worked for McKibben.

Q What is his full name? A I don't know his full name, that is it McKibben.

Q Where was he when you worked for him in 1887? A The line was right along between the Arkansas and the Polson.

Q Were you working for him on the Arkansas side of the line or the Cherokee side? A Sometimes I was working for him on the Cherokee side and sometimes on the Arkansas side.

Q Did you work for McKibben there a pretty much all through '87?

A No, sir, I worked two or three months; I worked for A. C. Jones.

Q Where did he live? A In the Cherokee Nation; and then I worked for his brother, Nat Jones.

Q Are there any other of these people living? A I don't know.

Q Who did you next work for, along in '88? A Well, I worked then through that, I worked before the war.

Q I never asked you about before the war; I asked you about '84, that was after the war, you said something about before the war?

A I worked for Dr. Bell in '86 and along after that I worked up on the hill, it is close to the road, that is where I was doing a good deal of my work about '86; I worked, I was working for the government, I was cutting hay and for several weeks for the soldiers about nine miles from Fort Smith, cooking for the wagonmaster.

Q There at Fort Smith? A Yes, sir.

Q Tell me something more? A I could not tell you to save my life.

- Q Do you mean you lived around so much? A I t would be hard for you to locate me, for I can't locate myself, I just run around everywhere I could get anything to do.
- Q Can't you say anything definite about yourself during the war?  
A I can't tell every place, I may worked one place two or three months and go off somewhere else.
- Q Where did you work in 1867, was it the same way? A Yes, in '67 I worked for a man named Bill Campbell.
- Q Where did he live? A Down by Fort Smith, about a mile on this side of the river.
- Q Practicing medicine some all the time were you? A When I was not at work, sometimes I was preaching.
- Q Is that all you can say about '67, how long did you work for Campbell? A I worked down there some times two or three weeks and then go out.
- Q Where would you go? A I went every which way; you know I could not state it.
- Q Give me the name of your present wife; you say its Mary Jane Vann now? A Mary Jane Reach is her maiden name, Mary Jane Vann now.
- Q How old is this wife, Mary? A I don't know.
- Q Well, about how old is she? A To tell you the truth I don't know her age.
- Q She is a good deal younger than you, isn't she? A Yes.
- Q Is she as much as 50 years of age? A No, sir.
- Q You married her young? A Yes, sir.
- Q You think she is under 50? A Yes, I think she is about 45 as near as I can guess.
- Q Where was she born? A Creek Nation, what's she tells me.
- Q Has she lived with you ever since her marriage? A Yes, sir.
- Q Her people then are Creeks? A That's what they claim to be, sir.
- Q Give me the name of her father? A Bob Marshall, that's what she claims.
- Q Is he dead? A Yes, I think he is.
- Q Give me the name of your wife's mother? A I don't know. I have heard her call her Sarah.
- Q Do you know whether she is alive or dead? A Dead; she was an orphan when I married her.
- Q Well then, Reach was not her maiden name; her maiden name was Marshall? A They called her Reach, I don't know.
- Q Well now give me the names of these four children of your own that are under 21 years of age? A One is named John.
- Q How old is John? A Johnnie is about 16.
- Q Now give me the name of the next child? A One is named Jimmie.
- Q James? A Yes, sir.
- Q How old is James? A I can't just exactly give his name? (14.)
- Q Now, give me the name of the next child? A The next child is named Harrison.
- Q How old is Harrison? A He is in his 19th year.
- Q He is older than John? A Yes, sir; Harrison is the first one by this woman.
- Q Now give me the next one? A The next one I call her, it is a girl named Janie, named after her mother.
- Q Named Jane? A Yes, sir.
- Q How old is Jane? A Janie.
- Q You want it put down that way? A Yes, sir.
- Q How old is she? A She was eleven years old last August.
- Q How are these children all living? A Yes, sir.
- Q You have been enrolled have you by the Cherokee Nation at different times? A Never was enrolled except here once and I was enrolled in about '70, but it could not be found it was locked up.
- Q Are these four children all by your wife Mary Jane? A No, sir; Mary one of them.

Q Who is the mother of John? A Johnnie, the mother of Johnnie was a Cherokee woman, Cherokee colored woman, the one I told you was named Nancy.

Q Nancy was the mother of John? A Yes, sir.

Q Who is the mother of James? A You mean the first old woman?

A You have got a son named James? A Yes, sir.

Q I want to know who the mother of that child was? A Narcissa Fulson.

Q You said she died before the war and now you tell me that child is 14 years old.

Q You say now that you have only three children that are under age? A That is all.

Q I find it very hard to get you to keep your children separated from your grand-children; how many children have you got altogether?

A I have got about twenty.

Q How many have you got that are under 21 years of age; three I believe you said the last time? A I was talking about my last wife.

Q Have you got any children by your wife, Mary Jane, who are under 21 years of age? A No, sir, nary one.

Q Now, you haven't got any by your other wives that are under age; they have been dead too long? A You called me back and said my grand-children.

Q How many children have you by that wife Mary Jane? A Ain't got but three.

Q Now, give me the names of these three children? A The oldest one is named Harrison.

Q How old is Harrison? A I told you a while ago about 19.

Q Now, what is the next one to Harrison? A Johnnie.

Q How old is John? A About 14.

Q The next one? A Janie.

Q How old is she? A Eleven years old.

Q You have only three children by this woman, Mary Jane Reach, have you? A No, sir, I have had five, but they are the only living children.

Q They, the three children and by this I mean these children and

Q The other children, and by this I mean your own children and not your grand-children, they are all over 21 years old? A Yes, sir.

Q How the mother of these children is Mary Jane? A Yes, sir.

Q And she was a Creek? A Yes, sir, that is what she came from, that is what they say.

Q Have you applied to have your wife, Mary Jane, enrolled as a Creek? A Never did, I went over there about three weeks ago and went up to the office.

Q Never mind about that, just say you never applied? A I did apply, they told me any time I would come and bring witnesses.

Q You expect to have her enrolled as a Creek do you? A I do.

Q Then you don't want to apply to have her enrolled now as a Creeke? A I didn't think I could.

Q Now, do you want these children enrolled as Cherokees? A Yes, sir.

Q You didn't make application to have her enrolled as a Creek when you went to Muskegee? A I went into the Commission and asked and they said to fetch her any time.

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

Q Now, give me the names of these six grand-children? A One is named, the youngest one Jim.

Q Can't you begin with the oldest one and give them to me in that order? A Yes, sir.

Q Give me them in that order? A Cornelia.

Q How old is Cornelia? A Cornelia's about twenty. Her mother is living right there joining me.

- Q She is not one of the orphans you spoke of? A No, sir; well one of them is named Jim.
- Q Can't you begin at the other end and give them to me straight?
- A One is them is John.
- Q How old is John? A John must be some 15 or 16.
- Q Now which one is next to John? A There is one named Richard.
- Q How old is Richard? A He is next to him, I don't think there is more than a year or two.
- Q Now, the next one to Richard? A Tommy.
- Q Thomas, how old is Thomas, about two years younger than Richard?
- A He might be and he might not.
- Q Well, we will put him down as 12 for the present; what is the name of the next one after Thomas? A The other is named after his uncle, Harrison.
- Q How old is Harrison, a little younger than Thomas? A Yes, sir.
- Q We will put him down as being about ten if you cannot give me something better than that. Who is the next one to Harrison?
- A Did I give you Jim?
- Q No, sir; you have a grand-child named James, have you? A Yes, sir.
- Q How old is James? A He is about eleven.
- Q He is older than Harrison? A No, sir.
- Q The way you are giving it I would say James is about eight or nine? A I don't know.
- Q What is the next one, that would be the last one? A Peter.
- Q He is the youngest of the six? A Yes, sir.
- Q About how old is Peter? A I think Peter is about six years old.
- Q These children are all living now are they? A Yes, sir.
- Q Were these children all born in the Cherokee Nation? A I don't think they were.
- Q Give me the name of the mother of these children? A Lucy.
- Q Your daughter Lucy? A Yes, sir, Lucy Vann.
- Q These children all have the name of Vann? A Some of them children, I don't know who was the daddy.
- Q You know what names you give them; you call them all Vann, do you? A They was not lawfully married.
- Q They take the mother's name? A Yes, sir.
- Q Your daughter lived and died as Lucy Vann did she, was that right; she was not lawfully married? A No, sir.
- Q Did she ever marry at all? A Yes, she married a colored man named Bragg.
- Q When did this daughter Lucy die? A She has been dead about four or five years, maybe more.
- Q Something like five years as near as you can get at it? A I cannot say because I don't know; she was dead a good while before I moved, about six months.
- Q Where did she die? A Down below Van Buren, went down there with a man, I never knowed of them being married.
- Q Where was Lucy Vann born? A Born in the Cherokee Nation.
- Q Where in the Cherokee Nation? A Webbers Falls.
- Q About how old was she when she died? A I don't know her age.
- Q How old would she be in she were living now? A I don't know her age, when the war come up we was all scattered and she was young.
- Q Was she living when the war come up? A Yes, sir, she was very small.
- Q Well she would be a little over 40 years of age now? A I don't know.
- Q Where did she live when the war ended? A Well, she was some-time about Fort Smith, some times she was at Webbers Falls and some-times down near where I, come down there about where I lived.
- Q Just about at different places? A Yes, sir; been to where I lived with my last wife and sometimes over in Fort Smith cooking.

George W. Vann, et al.--8.

Q Where was John born? A Cherokee Nation.

Q Where was James born? A They was all born in the Cherokee Nation but one.

Q Which one was that? A I think that was the youngest one, I think it was born in the States, I believe in facts two of them was born in the States.

Q Which ones? A I don't know; it was about 30 miles from me, but it seems to me like two of them was born in the States.

Q Where was this daughter, Lucy, between the time of 1865 and 1875, when you began farming? A Sometimes she was at Alma and sometimes she went off to Memphis cooking for Mrs. Break, cooked for her, I can't tell you where she was.

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

Q Your wife is not on that 1880 roll? A No, sir; but I am on the Clifton roll.

The 1896 Census Roll of citizens of the Cherokee Nation examined and applicants' names not found thereon.

Q Did you draw Cherokee strip money? A Yes, sir.

Kerns-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 160, #3949, George W. Vann, Sequoyah District.

Q You didn't draw for your wife did you? A No, sir; she ain't on any roll; there ain't none of my wives on the Cherokee Roll.

Q Did you draw Cherokee Strip money for these three young children, John, Harrison and Janie? A No, sir; Jane she was too young on the Wallace roll and their names was knocked out on the Kerns roll.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicant's children or grand-children not found thereon.

Q Did you draw strip money for these grand-children? A They ain't any of them on the Kerns-Clifton roll, they were left off.

EXAMINATION CONTINUED BY JOHN F. FARLEIS, Attorney for Applicant:

Q I didn't understand what you said your age was, Mr. Vann? A About 87, as near as I can guess.

Q You say your age now is 77 or 87? A I didn't say 77, I say about 87.

Q You say you were owned at the time the war by Jim Vann?

A Yes, sir.

Q Was he a Cherokee Indian? A No was himself.

Q And lived in the Cherokee country? A No did.

Q Did you reside in the Cherokee Nation when the war broke out in '61? A I did.

CROSS-EXAMINATION BY W. W. HASTINGS, Cherokee Representative:

Q Where did you live in the Cherokee Nation at the opening of the war? A I lived with old Ben Johnson near Fort Smith.

Q That is at the beginning of the war? A Right there.

Q You lived with Ben Johnson then? A Yes, sir.

Q Where did Jim Vann living? A Jim Vann stayed here about Fort Gibson and Tahlequah; I was hired to Ben Johnson for \$500 by Jim Vann and put there to work about six years before the war.

Q Well then, you left Jim Vann somewhere about 1855? A Jim Vann come down there and tried to get me and Ben Johnson and him had a great fuss and Ben Johnson would not let me go.

Q You left Jim Vann's home about six years before the war? A I was put there to work.

Q I will ask you ~~what~~ what Jim Vann's wife's name was? A His last wife was named Minta.

Q What was her father's name? A I don't know.

Q You don't know what her maiden name was? A I don't know exactly because Jim Vann had two or three wives to tell you the truth about it.

Q You don't know then, who Mrs. Vann's father was? (No response.)

Q You belonged to Jim Vann's father before that? A Old Joe Vann, yes, sir.

Q Joe Vann was blown up on a steam boat? A Yes, sir, on the Mississippi between St. Louis and coming down, the upper Mississippi, between that and the Mississippi river.

Q You was not along with him? A No, but I was keeping race horses for him.

Q About when was that? A Before the war, I don't know how long.

Q Do you know what that steam boat was named? A I do.

Q What was its name? A Lucy Walker.

Q What kind of a house did Jim Vann live in here at Fort Gibson when you belonged to him? A To tell you the truth I can't recollect, it was not any log house but I don't recollect what kind it was.

Q You don't remember what kind of a house? A I recollect the last time I had anything to do with him, him and Nash down here went to Portihead to fight and that is the last time until he come to try to get me to wait on him.

Q I want to know some sort; something about Jim Vann's home? A Where he lived so long at Webbers Falls, but up here I was not.

Q Now, when you were hired out about six years before the war to Ben Johnson, where did Jim Vann first live when you left him?

A I think he was living at Park Hill when he hired me out.

Q Was his wife then alive? A I don't know, after they separated, I don't know nothing about them; they parted three or four times and went back together.

Q Were they living together when you left up there, Park Hill?

A I don't know.

Q What sort of a house did they occupy at Park Hill? A I don't know, I don't recollect.

Q You don't remember that? A I don't know, half of the time he would be drunk and get money from me and go where he pleased.

Q And you would get the money and go back and pay him? A If I found him in Gibson.

Q You would get the money and pay him? A Sometimes I would send it to him by mail.

Q You could write at that time? A Yes, sir.

Q But you don't know anything about the looks of the premises about your old home; did they have a Spring? A Yes.

Q Had a spring did they? A Yes, sir, better under the hill.

Q But you don't know what sort of a house they were living in?

A No, sir.

Q Don't know what kind of a boat? A No, sir.

Q How many children did Jim Vann have? A I don't know, sir.

Q Did he have any children at all at the time you left him?

A If he did he didn't have them with him.



- Q Didn't have them then? A No, sir.
- Q Did Jim Vann have some brothers? A He did.
- Q What were their names? A One was named Johnnie, he taught school at the Seminary over at Tahlequah, he died there, that is what I understood.
- Q You never saw him there? A Yes.
- Q And you knew that the same one was his brother you saw before the war? A Yes, sir.
- Q He was not a full brother of Jim Vann? A I don't know because my old Master had two wives and I don't know.
- Q At least a half brother? A That's my understanding.
- Q Did he have a sister? A Yes, sir.
- Q What was her name? A Sallie.
- Q Who did she marry? A Sallie married Israel Lavers.
- Q And you knew him? A Yes, sir.
- Q Did he have any other sister? A I don't know, that is the youngest one.
- Q I will ask you, Mr. Vann, if you didn't apply to the Dawes Commission in '96 for citizenship, five years ago? A Why, no.
- Q Filed your case on September 6th, 1896, and was not J. P. Mullens your Attorney? A Yes, sir.
- Q He was? A Yes, sir.
- Q And you filed that case? A Not myself I didn't because I got my money on the Wallace roll and on the Kerns-Clifton roll.
- Q You did not apply to the Dawes Commission? A Oh, but it was for some of the children because I got my money on both the rolls, Wallace roll and the Kerns-Clifton roll.
- Q You already had your money at the time the application was filed for your children? A Yes, sir; I think so, I got my money at Hayden.
- Q This application was made for these children that were living here? A I had got my money sure.
- Q Do you remember that that Hayden payment took place in February of 1897? A I don't remember, I got my money.
- Q But you didn't get any money before September 7th, 1896? A I got some of my money.
- Q Did you get any money before September 7th, 1896, the Freedman roll was not made up? A I got it on the Wallace roll.
- Q You deny then that you applied to the Dawes Commission there and J. P. Mullens as your Attorney in 1896? A I deny for me myself.
- Q Did you apply for citizenship in the Cherokee Nation? A I think that when I was debarred at sometime like, right here, I knew I did, went before Mr. Needles I believe it was and Mr. McKennon and Mr. Tom Sixty, and I had not been admitted, and the Cherokees would not do it, I had gotten money on the Wallace Roll and on the Kerns-Clifton.
- Q You think you applied? A I think I did.
- Q I will ask you if you were ever in the State of Louisiana? A Yes, many of a time when old Joe Vann was running his boat.
- Q Were you ever known by the name of George W. McKenny? A Yes, sir; that's my father, George W. McKenny, a full blooded African negro, that is him; my father he came with my mother here, Charlotte Brown, half Cherokee and half colored my mother.

BY COMMISSIONER BRUCKNERIDGEM:

- Q Your mother's mother was she Cherokee? A She was a negro belonging to old Ben Brown, as I was told.

BY W. W. HASTINGS:

Q Now, you denied five years ago before the Kerns-Clifton Commission that you ever went by the name of George W. McKamy? A No, sir. Because my license is that here on Book B in Muskegee, that is my father's name.

Q When were your preaching license put on that book? A They were on that book when the law came in this country.

Q Well about how long ago? A About '75.

Q Then you admit five years ago that your name was George W. McKamy? A Yes, sir, that is what it has been all the time my father was a freed man.

Q Were you ever in Chattanooga, Tennessee? A Yes, sir, in my life I have been.

Q Have you been there since the war? A Yes, dozen of times, I run up and down there and dozen of times, I have up to my Uncle's in Knoxville, Tennessee.

Q How long did you ever live in Chattanooga? A Never lived in it at all.

Q And you have been there a dozen times? A Yes, sir.

Q When were you there the last time? A I don't know, sir.

Q What were you doing running up and down there? A I have some uncles living on Missionary Ridge, and I have got some lives across from that on the Ridge that lives in Nashville.

Q How did you keep up with there whereabouts? A I just keep up with them like you do with your kin folks.

Q You have resided in Argenta, across from Little Rock? A I went to the Brooks and Baxter war, Powell Clayton come up and get about fifty negroes and went to New Argenta, George Hughes, after we come, after that all of us was made vacate by the President on both sides.

Q How long did you remain down there? A About six months and was constable of Argenta on that side.

Q I asked you the question before the Kerns-Clifton Commission if you went down there and you denied it? A No, sir.

Q You were there? A Yes, sir, I went away from here and went there.

Q I asked you also if you were not Constable ever there at Argenta and in 1896 before the Kerns-Clifton Commission you denied that?

A I did not.

Q You were, were you? A Yes, sir.

Q Where was your wife at that time? A At the little old house below the Ferry-land some, part of the time she come down there where her mother was right there at Argenta.

Q Was her mother there at Argenta? A She was some of the time. This wife that I have got was part of the time there in the Creek Nation and part of the time she was not.

Q Now, Uncle George, when were you married the first time?

A I don't know.

Q About how long before the war? A Oh, long time.

Q About how many years before the war? A I don't know.

Q Give me some sort of estimate? A I won't give you something I don't know.

Q About how old were you when you married the first time? A I can't tell you.

Q Did you have any children by the first wife? A I did.

Q What was that child's name? A That was the oldest one, named Jim Vann.

Q That was your oldest child by your first wife? A No, I had one died that is the second boy.

Q About how old would Jim Vann be if he were living? A I don't know, sir.

- Q Then you haven't the slightest idea when it was you first married? A I don't.
- Q How long did you live with your first wife? A I don't know, a long time.
- Q About how many years? A I don't know.
- Q Where was this woman, this first wife of yours, where did she stay, with you? A No, sir, she didn't, she staid with old Henry Pulson at Deaksville.
- Q How far is that? A That is in the Cheetaw Nation.
- Q How far from Red River? A It is on this side.
- Q About how far? A I don't know.
- Q Is it in the southern part of the Cheetaw Nation? A Yes, sir.
- Q Near the line? A I don't know where the line is.
- Q You were a slave of Jim Vann up here in the Cherokee Nation yet you had a wife with ~~you~~ that you had married at Deaksville? A I married her, she was hired to Clem Lavere and I went to Fort Smith to see her and married her.
- Q That is where you first met her? A I married her in Fort Smith.
- Q Now, when did you marry the second time? A I married down here at Webbers Falls.
- Q How long before the war was that? A I don't know.
- Q About how long? A Oh, I don't know.
- Q A long time before the war? A Good bit.
- Q You can't give any estimate at all? A Can't tell you what time don't know and ain't going to try.
- Q I would like to get some estimate about as to when you married the last time? A I married after the war.
- Q About how long after the war had closed? A I don't know, Old Peter Stidham married me.
- Q As much as thirty years ago? A I don't know, I married her after the war, I don't know whether thirty years is after the war or not.
- Q About how many years after the war? A I ain't got no recollection and can't tell you.
- Q Now, Uncle George you applied for citizenship down in the Cheetaw Nation, didn't you? A I did not; my children did; they said I was a Cherokee.
- Q You admit now you applied for your children? A I went there and they went there and they told me to take counsel that you are a Cherokee and you can't do it.
- Q You denied that five years ago? A Yes, sir.

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J. O. Reasen, 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. Reasen*

Subscribed and sworn to before me this 20th day of April, 1901.

*[Signature]*

Commissioner.

April 18, 1901.

George W. Vann, et al., hearing continued:

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Questions by Mr. Hastings:

Q Uncle George, you applied to Colonel Wisdom and Mr. Keyes when they were sitting here as the Old Settlers Commission, didn't you, to be enrolled? A I said my mother came in as an old settler and she was, she came here as an old settler.

Q Your mother did? A Yes, sir, she was brought here; my mother was part indian and I thought if it was half negro and half indian I could get it and I applied and wouldn't do it.

Q You admit now that you applied to them? A I do admit.

Q Didn't deny five years ago that you ever applied to be enrolled as an old settler? A No, sir, you said I had applied to Mr. Tams Birby and I said then I hadn't because they hadn't put me in, but not as an old settler on that.

Q Do you admit now that you applied to be enrolled as an old settler, a Cherokee? A I don't know whether it was, I seen Mr. Keyes, I don't know whether the right was in it or not, me and Harper Houston, because I was half negro and half indian and they said that I could and they said no and that stopped me.

Q Did you come here with your mother; you testified you came here in 1836? A Yes, sir, I came with my mother in 1836, and she came to settle and she came here once, old Ross, and the old chief John, and one of the Bushyheads, and me and my mother all come here, and come here in a two horse vehicle before any of the indians located in this part, and came here and looked, old Chief Ross they did, he came here, and after he came here he went to Washington, and came back and went to Washington and his wife died and he married another woman, his wife which one he had when he come to the nation, and he married some woman at Washington city, and then came back here and went back to Washington and died, he married out of the nation; that was the chief we came with at the beginning.

Q You came with them? A Yes, sir, I came before the indians came; they came to look at the land.

Q You came with Chief Ross? A Yes, sir.

Q It was before any indians came out here? A Yes, sir, there was none had come here; they came to look at this country.

Q Where did John Ross' wife die? A Which one?

Q That one you were talking about? A Died somewhere about Tahlequah somewhere, and he went to Washington and married again there and he came home and went back to Washington and he died.

Q How long after you came out before he died? A He was here a good while before he ever died.

Q Five or six years? A Yes he was; you may laugh but you will find out, you know it, and his remains, when I first seed him I was here and they took him there and fetched him in from Washington City, by Van Buren.

Q Did they take him to Van Buren on that Frisco train? A No, sir, I don't know how they got him there; I was there and saw him put on the boat; I am talking about what I know, you know now, ask some of these gentlemen whether he had a wife that died here and went to Washington and married again.

Q Who else came along with you when you came out here? A I came with my master, with Joe Vann.

Q Joe Vann? A Old Joe Vann, with all the women and little children.

Q What children? A Negro children.

Q What about his children? A Joe Vann's children never come, a whole brigade come in here and set us here, and we came around on the steamer, and little children, little negro children, come and get off

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In Fort Smith at this nation side, and I was ... and a  
Brigade came here the other way and landed ... but it  
is fact: you can't deny it either, the ...

Mr. ...: You said you were born in Tennessee? A Yes, sir, I  
was born in ... county ...

Q You came here to remain here in 1855, is that about that?  
A I was here twice, I came with my mother first in 1835, that there  
was three removals, 1835, 50 and 57; just exactly this way.

Q You remained here when? A In 1855.

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Ernest 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.

*Ernest Jones*

Sworn to and subscribed before me this 19th of April, 1901.



Commissioner

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April 19th, 1901.

George W. Vank, ex. M., hearing continued

WALTER SHIPPAHUK, called in a witness for application,  
being sworn and examined by Commissioner C. E. Buckenridge, tes-  
tified as follows:

- Q Give your full name there? A Walter Shippahuk.
- Q How old are you? A 30 years old.
- Q What is your post office? A Balltown.
- Q In what district do you live? A Sequoyah.
- Q How long have you lived in the Cherokee Nation? A Lived here  
all my life, off and on.
- Q Were you born in the Cherokee Nation? A I was born in the old  
Nation, come from the old country.
- Q In what State? A Tennessee and North Carolina.
- Q When did you come to the Cherokee Nation? A When I was a boy.
- Q Sometime before the war? A Yes, sir.
- Q Were you a slave before the war? A Yes, sir, I reckon so, my  
people say.
- Q You remember very well back at that time you were 10 or 15 years  
old? A My mother always said we belonged to a man by the name of  
Bill Padgett.
- Q Do you remember far enough back to know to whom you belonged?  
A Yes, sir.
- Q Your mother said you belonged to Bill Padgett? A Yes, sir.
- Q And you suppose that you belonged to the same man? A Yes, sir.
- Q Where were you during the war? A I was in the Cherokee here  
part of the time.
- Q Well, do you just state the war, you were old enough to remember?  
A I was here, right here in Fort Smith, right here in the Nation,  
and at Fort Smith during the whole of the war.

Q Tell me where you were during the whole of the war? A I was in the war part of the time.

Q Do you mean in the army? A Yes, sir.

Q That was at the last of the war? A Yes, sir.

Q What were you doing in the army? A Just running around visiting on people.

Q Where were you when the war closed? A I was here.

Q Do you mean in Fort Gibson? A No, sir.

Q Well, tell me where you were? A Down here in the bottom at the old Johnson place.

Q You were not in the army then? A No, sir.

Q That is where you were at the time the war closed? A Yes, sir.

Q Who owned that place, that Johnson place? A Ben Johnson is all I know.

Q The old Ben Johnson place? A Yes, sir.

Q Well, now give me some account of yourself from the close of the war down to this time; how long did you stay there on the old Ben Johnson place? A I stayed there off and on; I stayed there all the time.

Q Are you there now? A No, sir.

Q In what year did you go to the old Ben Johnson place? A I came there in '66.

Q Where did you go from? A I came from the army then.

Q Well, where? A Richmond, Virginia.

Q You were in the Army at Richmond, Virginia? A Yes, sir.

Q And you came to the old Ben Johnson place from Virginia in '66? A Yes, sir, right here to the Territory.

Q What were you doing in the army in Virginia? A Just running around following it up, had nothing else to do, just following the soldiers up.

Q How did you go to Virginia? A I came back with the crowd.

Q How did you go there, I said? A I went with the soldiers.

Q With what soldiers? A The Federals.

Q Where did you take up with them? A I taken up with them at Memphis.

Q How did you go to Memphis? A I went with the people passing.

Q Where did you first take up with the troops? A Up here in Arkansas, on White river.

Q What were you doing up there? A Just thundering about as a boy would, I had no one but myself.

Q When was that you took up with the troops there in Arkansas?

A I could not say.

Q You are supposed to know something about yourself; you are supposed to know something or you would not be here; and that your first taking up with the troops? A Yes, sir.

Q And you followed them to Memphis? A Yes, sir.

Q And from Memphis to Virginia? A Yes, sir.

Q And from Virginia you came back here in '66? A Yes, sir.

Q Where had you lived here before you went off with the troops? A Down at the old Ben Johnson place.

Q You lived there when you first came? A Yes, sir, that is where my people left up there.

Q When you first came to the Cherokee Nation where did you live?

A Right there on the river this side of Fort Smith.

Q Your mother belonged to Bill Johnson? A Yes, his daughter I reckon she belonged to him.

Q Did you live with your mother before the war broke out on the old Ben Johnson place? A No, sir, my mother died.

Q Well, where did you live before the war broke out, when you came to the Cherokee Nation? A I lived down there on the bottom at the old Ben Johnson place.

Q That is where you lived and where you came? A Yes, sir.

Q Do you remember your mother's name? A Yes, she was Mrs. George Bush.

Q What was your father's name? A My father's name was George Bush.

Q How old were you when you were born? A I was born on July 6, 1946.

Q Where were you born? A I was born in Midland, Texas.

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Q Where were you born? A I was born in Midland, Texas.





EXAMINATION CONTINUED BY JOHN F. FAULDS, Attorney for Applicants

- Do you remember of seeing George Vann before the war broke out in 1861? A Yes, sir, I seen him there on the river.
- Q In the Cherokee Nation? A Yes, sir.
- Q You were here when the war began? A Yes, sir.
- Q Do you know whether he was here at that time? A He was down there on the river.
- Q When the war began? A Yes, sir.
- Q And you stated that you were away sometime during the war, did you see him at all during the war, that you remember? A No, sir, I didn't see him from the war up to '66.
- Q Where have you lived since 1866? A I have lived, I lived part of the time here in the Creek and part of the time in Fort Smith there, worked principally on public work.
- Q You have lived pretty much of the time in the Cherokee Nation? A Yes, sir, made this my home.
- Q Have you since 1866; has George Vann been away from the Cherokee Nation for any length of time? A Not as I know of, I stayed right there around there and knowed him, he has not been anywhere as I know of.
- Q You have seen him off and on? A Yes, sir.

BY COMMISSIONER BRACKINRIDGE:

- Q You say after you came back to the Territory in '66, that you went to the Hon Johnson place? A Yes, sir.
- Q You stayed there a little while and then went to South Carolina to look up some kin folks? A Yes, sir.
- Q How long did you stay back there in South Carolina? A About three months, three or four months.
- Q You finished that visit and then did you come back to the Cherokee Nation? A Yes, sir.
- Q Where did you settle then? A Right here by Fort Smith, in the bottom right there by old man Vann.
- Q What was old man Vann's given name? A George, all I know.
- Q Did you settle on George Vann's place? A Yes, sir, I stayed there with him.
- Q Is that where you cropped? A No, sir, I never cropped then.
- Q What did you do? A I worked around by the day.
- Q Did you see George Vann at that time? A Yes, sir.
- Q Is that this man's place you are talking about? A Yes, sir.
- Q How long did you live with him and around about him there? A I lived around about him there three or four years, I mostly stayed with him; I would go around and work and come back there and stay with him.
- Q Have you known him ever since that time? A Yes, sir, ever since that time.
- Q Have you been settled in the Cherokee Nation ever since your return from South Carolina? A Yes, sir.
- Q And have known George Vann, this applicant, all the time? A All the time.
- Q Has he been settled in the Cherokee Nation all the time? A Every time I seed him he was here.
- Q Have you been seeing him all the time? A Yes, sir.
- Q You began living there with him and about him after you came back from South Carolina; how long did you live with him or close to him? A Oh, I lived close to him for three or four years.
- Q And then how far did you live from him? A Lived about five miles.

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Q And how long did you live that far from him? A I could not tell exactly.

Q Well, five or six years, six or seven years? A Five or six years.

Q You were living there all the time and he lived at the other place all the time and he was staying all the time continuously at Andine, was he, at the other place? A All the time I saw him.

Q Did you see him frequently? A He was a preacher and I have heard him preach in the settlement.

Q He was abiding there and you heard him preach around in the neighborhood or around there and he was settled there in that way with no interruption, but what you would call neighborhood preaching?

A No, sir.

BY MR. JOHN P. FAULKNER:

Q Did you know any named George Vann at the time of the war?

A I always heard him say Jim Vann was his boss, I have heard him talking about Jim Vann.

BY W. W. HARTING, Attorney for Cherokee Nation:

Q When did you hear him say that Jim Vann owned him? A I heard him say it all along.

Q Before the war? A Yes, sir.

Q Why is it you remember who owned him when you don't know who owned yourself? A I don't know that I had any owner, if I did I don't know anybody.

Q You were too young to know that? A At least nobody ever told me that I had any, at least my father, my father was a Choctaw.

Q I believe you state that when you came back in 1866 you came back to George Vann's place, did you? A No, sir.

Q Well, to where George Vann lived? A Where he stayed.

Q And remained there with him then how long? A Two years or more.

Q Then you went in search of some of your people to South Carolina?

A Yes, sir.

Q Now, if I get your statement correct you remained in South Carolina in search of your people about a year? A No, sir.

Q How long? A I staid there three or four months.

Q Then you came back from South Carolina to the Cherokee Nation and to this same place you had left there? A Yes, sir.

Q And then found the applicant, George W. Vann, there, when you returned that time? A Yes, sir.

Q With whom was George Vann living when you knew him first in 1866? A I could not tell that, he was working there and said his boss was Jim Vann.

Q That is after the war when was he living with whom you knew him in '66? A I suppose he was living with his people, his boss, Jim Vann.

Q That was after you came back from Richmond? A Yes, sir.

Q That was the time you were there at that time? A There was lots of them people there.

Q How many family there? A Well, now, I never did take any account of them for I never had any business with the Indians and the white people and that kind.

Q But you remember distinctly of seeing George Vann there? A I remember seeing who they called his boss and they called him Jim Vann.

Q What kind of a looking man was he? A Just like any other man, been as long I could tell what kind of a man he was, I knew he was an Indian.

Q You can't know whether he was light or dark complexion?

A He was about the color of all other Indians.

- Q Do you know whether he was tall or small? A I don't know.
- Q You remember of seeing him there in '66 in the country? A I remember them calling him Jim Vann.
- Q This man, George W., was living with Jim Vann, was he at that time? A I suppose that was his place.
- Q That was on the river this side of Fort Smith? A Yes, sir.
- Q Did George Vann at that time have a family? A Yes, sir.
- Q Of what did his family consist; did he have a wife? A I reckon so, he lived with a woman.
- Q What was her name? A I could not tell her name now.
- Q You lived with them a year and was only gone three months then returned to the same neighborhood? A She has been dead so long I can't think of her name now.
- Q But he had a wife at that time living with him? A Yes, sir.
- Q You don't remember her first name? A No, sir; I could not tell.
- Q How long after that was it before she died? A I could not tell you that.
- Q Some little time after '66? A Yes, it was after '66, but I could not tell the exact time.
- Q Did he have any children there with him in '66? A No, sir, none at that time, I don't know.
- Q Didn't have any children? A Yes, he had a daughter I think by the name of Mary Ann.
- Q About what size was she? A Oh, she was small.
- Q What kind of a house was there on the Johnson place where George Vann stayed in '66? A Log house.
- Q One room? A I forget how it was built; I remember it was an old log house, where he lived it was one room.
- Q I mean where the white family stayed? A It was a large double log.
- Q How far was that from the bridge that crosses the river to go over in Arkansas? A I could not tell you, though it ain't very far from where the bridge crosses the river now.
- Q Did you know any of the Johnson family before the war? A No, sir, none but the old man, Jim Vann.
- Q You don't know who his wife was? A No, sir.
- Q You didn't know any of the family, children? A No, sir.
- Q Now, you applied to the Kern-Clifton Commission, five years ago?
- A Yes, sir.
- Q Was not Uncle George Vann at that time a witness for you?
- A Yes, sir.
- Q Were you present when he testified in your case? A I reckon I was.
- Q He testified that he never saw you up until the year '70, didn't he? A No, sir, he could not do that.
- Q Didn't he do that? A Not of my memory.
- Q Do you remember? A I remember that he didn't testify that.
- Q That he never saw you up until 1870? A No, sir, he could not say that.
- Q Didn't you testify at that time that your people lived in Georgia?
- A No, sir; No, sir.
- Q Didn't you testify that you came here in '66 and stayed until 1869 and then went to Georgia? A No, sir.
- Q Didn't you testify before the Commission in 1868 that you had only returned here about three years prior to that time from your trip to Georgia? A Don't remember that.
- Q Isn't that a fact? A Don't remember that part of it; I never went to no Georgia, I don't remember telling you anything about no Georgia.
- Q What about your coming back to this country about three years before that Kern-Clifton Commission sit; how long had you been here then, in the Cherokee Nation? A I had been here all the time excepting where I call you I walked over in Fort Smith.

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Q Now, in '66 what sort of a house did the applicant, George Vann, live in? A I could not tell any more about what kind of a house that was; it was a log house.

Q You lived with him? A Yes, sir.

Q It is the same place he is living now? A No, sir, he moved from there.

Q When you came back from South Carolina was he at the same place he is living now? A Yes, sir, that is right.

Q He is living right there now? A He is living up this side of the switch now.

Q That is where he was living when you came back from South Carolina? A I ain't certain, I must forget.

Q You lived with him, didn't you? A Let me study.

BY COMMISSIONER BROCKBRIDGE:

Q Is he living now on the old Ben Johnson place? A No, sir.

Q Where is he living now? A He is living up at the place they call Dera, this side of the Cherokee strip.

Q How far is that from Fort Smith? A About seven miles I reckon.

BY W. W. HASTINGS:

Q Now, how long has he been living there at the place he is living now? A I could not say.

Q Where was he living when you came back from South Carolina?

A There has been so much change about I have about forgot.

Q You lived with him? A I didn't live with him all the time.

Q A short time though? A I just could not tell and can't.

Q You know where to find him? A I would find him there in the settlement.

Q He lived there in the settlement there ever since '66? A Yes, sir, that is where I always found him.

Q You knew that? A Yes, sir.

Q Never been out? A I suppose he has been out like every other person.

HORACE S. NORMAN, called as a witness for Applicants and being sworn and examined by Commissioner C. R. Brockbridge, testified as follows:

Q Give your full name there? A Horace S. Norman.

Q How old are you? A I don't know exactly I guess I must be about 45 I guess.

Q What is your post office? A Fort Gibson now.

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

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Were you a slave in the old times? A Yes, sir.

Q To whom did you belong? A Judge Brown.

Q Did he his full name? A I don't know anything but Judge Brown, Jim Brown; that is what they call him, Judge Brown.

Q Was his given name Jim? A I don't know that; that is what my mother always called him.

Q Where did he live? A He lived up on Big Leg's Creek part of the time.

Q Where did he live when you belonged to him? A My mother was hired out.

Q Well in the old times did she live on Big Leg's Creek? A Yes, sir.

Q Is that where you lived during your childhood? A No, sir; I lived with mother, stayed with her, he hired her about to cook there ever he could get money for her.

Q Where were you during the war between the North and the South?

A I was with her here in the Cherokee Nation.

Q Were you with her in the Cherokee Nation during the whole of the time of the war? A Yes, sir.

Q From the beginning to the close of the war? A Why, she cooked in Fort Smith a little while, I suppose it must have been two or three months.

Q Otherwise you were with her in the Cherokee Nation? A All the time.

Q When was it she cooked in Fort Smith, do you know? A I could not tell what year it was.

Q Is your mother dead? A Oh, she is dead, yes, sir.

Q How long has she been dead? A She has been dead about ten or twelve years.

Q Give me your mother's name? A My mother was named Lucy Brown, called her Sarah sometimes, Lucy was her given name.

Q Where did your mother live at the time of her death? A She lived down in Sequoyah district.

Q What part of Sequoyah? A Up above Fort Smith, about six or seven miles.

Q Near what is called the Cherokee Switch? A No, sir, up above the river from Fort Smith up towards Wilson rock.

Q How long had she lived there at the time she died? A I could not tell you exactly how long, we moved from the Johnson farm up there, I guess it must have been four or five years.

Q You moved from the Johnson farm up there, ~~thru~~ four or five years before she died? A I come to Redland and stayed there a while.

Q By the Johnson farm did you mean the Ben Johnson farm? A Yes, sir.

Q That is what they call the old Ben Johnson farm? A Yes, sir.

Q How far is that from Fort Smith? A In sight of Fort Smith.

Q How long did your mother stay on the Johnson farm? A We didn't stay there very long, I could not tell you exactly.

Q Didn't live there very long? A Two or three years, somewhere along there.

Q That was before you came up to? A Redland, yes, sir.

Q Well then before that where did your mother live? A Stayed down here at Webbers Falls, when the peace was declared we moved from there to the Johnson farm.

Q You lived on the Johnson farm more than once? A No, sir; did you understand me to say that when peace was made we lived on the Johnson farm?

Q No, sir. A You asked me where I was born and I said in the Cherokee Nation.

Q How far up the river is Redland from Fort Smith? A I don't know, it must be 15 or 16 miles.

Q How long did you live at Redland? A I don't know, how long, we lived up there above Redland.

Q You lived just above Redland? A Yes, sir.

Q And you went from there to the Johnson farm? A Yes, sir.

Q When was it you went to Redland? A I could not tell you just exactly what year it was.

Q A few years before your mother's death? A More than that, a good deal more than that.

Q Was it ten years before your mother died? A It was not hardly that long.

Q How long did you live in the Johnson farm when you and your mother went up to Redland? A I don't know, I could not tell you exactly how long, I never took any track of the time.

Q Did you live as much as four or five years at the Johnson farm before you went to Redland? A No, sir, not that long.

- Q You went from the Johnson farm to Redland? A Yes, sir.
- Q Where did you live before you lived on the Johnson farm? A We stayed up here when peace was declared she went from here to the Johnson farm from Webbers Falls.
- Q Did you ever live on the Johnson farm more than once? A No, sir.
- Q How long did you live on the Johnson farm? A I told you I could not tell you.
- Q Did you live on it as much as five years? A I don't know, I don't think we stayed there hardly that long.
- Q Do you know George W. Vann? A Yes, sir.
- Q When did you first remember meeting him? A Oh, my goodness, I could not tell you that, I have been knowing him ever since I was a little boy, I first seen him when we stayed down here at Webbers Falls.
- Q And when was that? A I was a small boy then, I could not tell what time it was.
- Q Was that during the war? A It must have been before the war, I was a small boy.
- Q That is about as far back as you can recollect, when you saw him there? A Yes, sir.
- Q That is where you saw him the first time? A Yes sir.
- Q Did he live there in that neighborhood? A ~~Yes~~ he must of, I guess he did.
- Q And have you known him along ever since that time? A Yes, sir.
- Q Been seeing him frequently ever since that time? A Yes, sir.
- Q Where was he living when you went down to the Johnson farm? A When I went to the Johnson farm he was living there then.
- Q What had you been when you were at Webbers Falls, what kind of work? A I done just like children do, I done nothing I was too small.
- Q You were not old enough to work? A No, sir.
- Q How old were you when you went to the Johnson farm? A About ten or eleven years old I guess.
- Q Do you know when George W. Vann left the Webbers Falls neighborhood and went down to the Johnson farm? A I don't recollect when he went there.
- Q He was living down there when you went there? A Yes, sir, I see him a lot of times with soldiers.
- Q During the war? A That is what they call them, soldiers, the only thing I noticed about them they were dressed different from anybody else and they had guns.
- Q Did they have on blue uniforms? A Yes, sir, blue clothes.
- Q That was while the war was going on? A Yes, sir, while the war was going on.

EXAMINATION CONTINUED BY JOHN F. PAULDS, Attorney for Applicants

- Q You have always lived in the Cherokee Nation? A Yes, sir, I was out sometimes during the war; this has always been my home.
- Q You would go away for a month or so at the time? A Yes, sir, I never moved away from the Cherokee Nation.
- Q Do you know what ~~name~~ named George W. Vann at the time of the war? A Jim Vann, as I have always been told.
- Q Was he a Cherokee Indian? A Yes, sir.
- Q You state that you saw George W. Vann frequently ever since 1865? A Yes, sir.
- Q Do you mean you have seen him in the Cherokee Nation? A Yes, sir.

CROSS-EXAMINATION BY MR. W. W. HASTINGS:

Q You applied for enrollment yourself before the Kerns+Cliften Commission in 1896? A Yes, sir.

Q They didn't enroll you; were you enrolled or not? A I don't know.

Q Did you draw any strip money? A Didn't draw any money.

Q You stated then that you lived in Pine Bluff, Arkansas? A No, sir, I never was at Pine Bluff.

Q You didn't state then that there was where you lived? A No, sir, I did not, you were the very man that questioned me yourself.

Q Your name is Horace S. Norman? A Yes, sir.

Q You have six or eight children? A No, sir.

Q Do you know Charles Norman? A Yes, sir.

Q What kin is he to you? A That is my boy.

Q Leander? A Yes, sir.

Q Cora? A Yes, sir.

Q Carrie? A Yes, sir.

Q Will? A No, sir.

Q That is the same family? A Yes sir, but I never give you that testimony.

Q You didn't swear then that you lived in Pine Bluff? A You know I didn't swear that; you tried to make me say so.

Q You knew the applicant, George Vann, during the war? A Yes, sir.

Q You saw him as a soldier? A I didn't say I saw him as a soldier, I said I saw him around the soldiers; I said I saw him around the soldiers frequently.

Q Was not he one of the soldiers? A I saw him frequently with the soldiers.

Q You remember him in particular? A Yes, sir, I do.

Q What circumstance makes you remember him and point him out to you as a boy? A My mother and him was cousins, so she always said and he says so.

Q You knew him in that way while you lived at Webbers Falls during the war, you and your mother? A We lived there in right at Webbers Falls, hired about.

Q With whom did she live there? A I don't know, who she lived with.

Q Don't know who she was working for, do you know any one she was working for? A I don't know.

Q Not a single person? A I don't know, I know she stayed there.

Q With whom was she living, you and she living immediately after the war and at the time you left the neighborhood and come down to the Ben Johnson place near Fort Smith? A Didn't live with anybody, staying in our own house there.

Q You don't know whom she was working for at the time you started from there down? A No, sir, I don't know who she was working for.

Q Now, your father died before the war? A I don't know whether he did or not.

Q You never knew him after the war? A My father went off sometime, I don't know whether he died or not.

Q You never saw him after the war? A Not after the war.

Q With whom did you live on the Johnson place when you went down there? A We stayed there in the house there, didn't stay with anybody at all, just got the house and stayed in a little log house.

Q Just you and your mother? A Well, she had other children, Hudson.

Q Was he elder or younger than you? A He was elder.

Q How much? A Two or three years.

Q Than you? A Yes, sir.

Q Whose place did you farm down there? A We didn't farm.

Q What did you do then during the first year A Just worked about anywhere could get work to do.

Q For whom did you and your nather, or any of you, work? A Just anywhere we could get to work.

Q Name some persons you worked for here in 1866? A I don't know.

Q Name some white person, or Cherokee, who was living there at the time? A There was not many white people in there.

Q Name some one? A I don't know.

Q Jim Vann was there was not he? A Yes, sir.

Q That was his former owner? A I say a person can't study up all these things.

Q You know he was there? A Certainly I do.

Q That was in 1866? A Yes, sir.

Q After peace? A Yes, sir.

Q His wife was there? A Yes, sir.

Q What was her name? A Her name was Nancy.

Q Jim Vann's wife? A Jim Vann's wife, I don't what what Jim Vann's wife was.

Q You don't know what her name was? A No, sir, I don't know what her name was.

Q What was George Vann's wife's name then, in '66? A I told you her name was Nancy.

Q Did he have any children at that time? A I think so.

Q Do you remember them? A Yes, sir.

Q What were their names? A He had one named, John, Mary Jane and I don't know as I.

Q Is that his present wife? A Oh, now, his present wife now is named Mollie.

Q How long did that wife live, that wife that you knew in '66?

A I could not tell you exactly how long she lived.

Q You can remember no Cherokees down there other than his former owner, Jim Vann, when you knew George Vann down there after peace, that is all you can remember is it? A There was not anything down there.

Q You can remember that one in particular? A I say there were indians down there of course.

Q You remember about his former owner in particular? A Jim Vann.

Q Yes? A I remember his name, of course.

Q You remember seeing him down there when you went down? A No, sir, I didn't see him say I seen him.

Q You didn't say that? A No, sir, I didn't say that.

Q Well, now, what other Cherokees did you see in the neighborhood?

A I never taken any particular notice to the Cherokees.

Q Is there any one that you can name? A I don't know particular, I will have to study about it, I never noticed anybody.

Q Now you ~~lived~~ lived there a short time and you went over from Redland, did you? A There was Harnage there.

Q It was not William Harnage was it? A I don't know, it might have been, I don't know his given name, I always heard him called Harnage, I have seen him there.

Q Then you went down to Redland from there? A Yes, sir.

Q And you have lived at Redland ever since? A No, sir

Q How long did you live down at Redland? A Oh, I don't know, I stayed there two or three years.

Q Then where did you go? A Moved from there down to the Wilson farm.

Q Are you living there now? A No, sir, I live up here now.

Q Did you ever own a place down there? A Not there.

Q Did you ever make a place in gequyah district? A Yes, sir.

Q Where? A Not far from Vann's place.

Q When? A I don't know what year it was in.

Q You don't know who your nather worked for down there in 1866 or '67, the first years after the war? A She was hired about.



Q But you don't know any of the people? A No, sir.

EXAMINATION CONTINUED BY JOHN F. FAULDS:

Q You said that Jim Vann was living at Webbers Falls in 1866; did you mean what you said here a few moments ago, that Jim Vann was living down there? A You didn't understand me to say that Jim Vann was living there.

Q If you said Jim Vann you meant George Vann? A Yes, sir, that is where I first knew him.

BY COMMISSIONER BRECKINRIDGE:

Q What year was that? A I told you it was time of the war was going on.

Q Not after the war was closed? A I seen him down at Fort Smith down there at the Johnson farm, I seen him before that up here at Webbers Falls.

Q How long after the war was it before you went down to the Johnson farm? A Not long.

Q Well, a year or two years? A No, sir, my mother went down there in the government wagons, just like they have got here, and I reckon it must have been a soldier driving it, and we all boys they carried us along in the wagon.

BY MR. JOHN F. FAULDS:

Q Did I understand you to say that you saw George Vann off and on here during the war? A Yes, sir.

Q At the time the war was going on? A Yes, sir.

DEW M. WISDOM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Dew M. Wisdom.

Q What is your age? A 66.

Q What is your post office? A Muskegee.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first know him? A In 1862.

Q Do you know anything about his status as a Cherokee Freedman?

A No, sir; I came to Fort Smith in 1862 from Tennessee and stayed there and bought an interest in what is called at that time the Muskegee and Fortsmith Stage Line and I leased a stable on the Choctaw Reserve down there near Fort Smith and I met with old Uncle George there and hired him as a hestler to take care of our horses, that was in 1862.

BY W. JOHN F. FAULDS:

Q He was living in the Cherokee Nation in 1860? A That is my understanding.

BY COMMISSIONER BRECKINRIDGE:

Q He worked for you in 1862 as a hestler? A Yes, sir, he worked about three months; Mr. Klancy who is living at Fort Smith we were partners, we owned the stage line, and I hired him to take care of our horses in Fort Smith, the stable was on the Choctaw reserve; there is a little corner of the Choctaw Nation that angles in there in Fort Smith.

Q Did George Vann live on the Arkansas side of the line or Indian Territory side of the line? A Indian Territory.

RACHEL BAKER, called as a witness for Applicants being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Rachel Baker.
- Q How old are you? A Well I can tell exactly.
- Q About how old, as near as you can come to it? A I am about 65 I reckon.
- Q What is your post office? A Benge.
- Q In what district do you live? A In Benge, from here I live in Sequoyah district.
- Q How long have you lived in the Cherokee Nation? A About lived here all my life only just in and out.
- Q Were you born in the Cherokee Nation? A No, sir.
- Q Where were you born? A I was born back in the old country, they brought me here.
- Q Carolina? A No, sir, East Tennessee.
- Q When did you come to the Cherokee Nation? A I can't tell you anything about that. I come when this was all a country; I can't tell anything at all about it.
- Q Were you a slave in the old times? A Yes, sir; I guess I was.
- Q Whom did you belong to in the old days? A I belonged to, I can't think of his name.
- Q Forgotten all about him? A No, I ain't scared, you know I was quite small and could not recollect anything and I never was taught up anything. A man come with me but I can't think of his name.
- Q You don't remember to whom you belonged before the war? A No, sir.
- Q Where did you live before the war broke out between the North and the South? A I was up here at the Salt works.
- Q Where were the salt-works? A Up here on the, I can't think of the creek, I was up there.
- Q What were you doing? A I was just washing, doing about helping them cooking.
- Q Who were you helping? A I was helping a man; there was a man there by the name of Drew, I worked about with him.
- Q How long did you live there? A I stayed there nearly all the time until the war come up.
- Q You had been there a good many years? A Yes, sir, when the war come up we all went out.
- Q Was your father up there with you? A No, sir, I don't know my mother.
- Q Was your father with you? A I don't know my father.
- Q You don't know who claimed you as your master? A No, sir and I didn't want to know only this man Drew.
- Q When the war come up what did you do? A We went out.
- Q Where did you go? A Sat in the state and back around.
- Q In what state? A Into Arkansas.
- Q When did you there with? A I went out with the wagons.
- Q Who was in charge of them? A I don't know who was in charge.
- Q Were there mostly-colored people? A Some of them colored and some of them white people.
- Q Did you claim to be a Cherokee Freedman? A Yes, sir, that is what I always thought.
- Q Well, when the war closed what did you do then? A When the war closed I stayed out there; they said "well the war is ended," and I come back.
- Q Where were you then? A Up on some creek.
- Q In Arkansas? A Yes, sir, and then we come back here to the Territory.

- Q Who came back with you? A My husband.
- Q How long have you had the name of Baker? A All my life.
- Q You have always gone by that name? A Yes, sir.
- Q What was your husband's name? A His name was Baker too.
- Q Did you go by the name of Baker when you were a girl, before you were married? A Yes, sir, always went by the name of Baker, they always called my Rachel Baker.
- Q You don't know whether it was in Arkansas you stayed during the war? A No, sir, just camped out and doing the best we could I reckon; if I could just study up I might name ever some places.
- Q Well, what were you doing over there? A Doing the best we could, trying to work and first one thing and then the other.
- Q Did you marry over there? A No, sir.
- Q Where did you marry? A I married up here at the works.
- Q Married before you went to Arkansas? A Yes, sir.
- Q How long had you been married when you went over to Arkansas? A I went so, I had not been married long, my child was not born.
- Q Your child was born after you went over to Arkansas? A Yes, sir.
- Q How long did you stay in Arkansas? A Stayed there until after the surrender; they said it was four years after the surrender; me and my husband gathered up and worried back some way.
- Q How did you happen to go to Arkansas; did the Union soldiers begin to come down? A Yes, sir and they got scared.
- Q And you went away to Arkansas when the Confederates fell back and the Union soldiers came in? A Yes, sir.
- Q How long do you consider you stayed in Arkansas, about four years? A Yes, sir; stayed until the war was ended; stayed over there about a year I reckon and then come back.
- Q Where did you go when you came back? A Down there in Fort Smith and I come back up into the Territory; I don't know nothing and I worked for first one and then another.
- Q You first landed at Fort Smith? A Yes, sir.
- Q How long were you unsettled here before you could get down to regular farming? A Well didn't do much but work around, I don't know much, No I don't know how long.
- Q Where did you first locate here in the Cherokee Nation when you first came back? A Here, the Cherokee Nation.
- Q Well whereabouts? A In the Pawpaw bottom.
- Q Did you and your husband take up some land? A Didn't take up nothing.
- Q Just worked? A Yes, sir.
- Q How long did you stay there in the Pawpaw bottom? A Good while.
- Q Well, year of some thing like that? A Yes, sir; and then he got sick.
- Q And then where did you go? A Better travelled.
- Q Where did he go? A He went to Hot Springs for his health.
- Q Hot Springs, Arkansas? A Yes, sir.
- Q Did you go with him? A No, sir.
- Q What did you do? A I just worked around.
- Q You didn't go out yourself? A I didn't go out then, but he got bad and I went to stay with him and he died.
- Q How long did he stay when he went off to travel for his health? A Two or three years.
- Q You met all the time stayed in the Pawpaw bottom? A Yes, and sometimes I would go with him and then he get back.
- Q How long did he live after he get back? A He never get back, he died at Hot Springs.
- Q Did you go to him? A Yes, sir, I went to him as soon as I could.
- Q Well, then after his death where did you live? A I stayed down there about two months; what little I had was her and I come back here.
- Q Where was that? A Down here in Sequoyah District.

- Q You never did apply to the Cherokee Nation for enrollment at no time? A No, sir.
- Q You were on no roll at all of the Cherokee Nation? A No, sir.
- Q And you never at any time applied? A No, sir.
- Q You were living here five years ago? A Yes, sir.
- Q You have lived here in the Cherokee Nation ever since 1866? A Yes, sir, been in and out ever since.
- Q Yet you never did at no time apply for enrollment? A No, sir.
- Q You don't know when you belonged to before the war? A No, sir; I can't tell you.
- Q Did you know any Cherokees that you saw before the war? A Yes, but then they are dead ones.
- Q Name them? A Boldens and the old man of them and the old man Chickengourd and the old man Starr and the old man Drake.
- Q In what district were these salt works? A I don't know. They said it was here in the Nation, I could not tell you.
- Q Was it these salt works near Coffeyville, Kansas? A I guess it was, it was up here on the Creeks.
- Q Webbers Creek? A Yes, sir.
- Q It is on Webbers Creek then? A Yes, sir.
- Q That was about three miles from Coffeyville, Kansas, was not it? A I reckon, that is what they say.
- Q You knew they used to go there and trade didn't they? A Yes, sir.
- Q Do you remember going to the town? A Yes, sir.
- Q You don't remember any Cherokees at all? A No, sir.
- Q How many people worked at the salt works? A Yes, sir.
- Q Do you remember any colored people there except Mr. Vann? A No, sir. He was the only one that I knew.
- Q He is the only man you knew? A Yes, sir.
- Q Are these called the Striking Salt works? A I don't know.
- Q Do you know whether Strike was the man that owned them or not? A I don't know.
- Q What Cherokees did you see just after the war when you came back here? A I worked a while with old man Chakingourd; I worked a while and he died, he was living down here in Sequoyah.
- Q Did you come back on this Valley train when you came back after the war? A I come along, when I was coming on the wagon along?
- Q I mean after the war when you come back? A No.
- Q The trains were running on that road then? A They might been running, but I didn't come back on them.
- Q You saw the trains running along as you come along on this Valley road yourself when they run down through Sequoyah? A Yes, sir.
- Q The railroad was there but you did not come on it? A Yes, sir.
- Q That is what you mean to say? A Yes, sir.

BY COMMISSIONER BRACKENRIDGE:

- Q How long did you live up at the salt works? A I don't know.
- Q A number of years? A Yes, sir, I don't know how long I was there I was there a long time before I was big enough to do anything.
- Q There when you was too little to work? A I could not tell you.
- Q Then you went from there ever to Arkansas during the war? A Yes, sir.
- Q Was this George Vann up there all the time? A Yes, sir.
- Q He was up there all the time was he? A Yes, sir.
- Q You remember him there all the time do you? A Yes, sir.

BY JOHN F. FARLEY:

- Q Do you know John Williams, a white man, that has been here in Fort Gibson since you have been here and met you here this morning? A Yes, sir.
- Q You know him? A Yes, sir.

Q Did he come to these salt works that you speak about while you were working at the salt works? A While I was working there I saw him.

Q These Salt works you are speaking of, you say him there? A Yes, sir.

Q Do you know where the Arkansas River is? A Yes, sir.

Q How far is this Webbers Falls from the Arkansas River? A Two or three miles, I don't know.

Q That is the Webbers Falls you speak of where you saw George Vann, is not it? A Yes, sir.

Q This salt works you speak of was right close to the Arkansas river where you worked, in the Cherokee Nation? A Yes, sir.

Q In the ~~Cherokee~~ Indian Territory? A Yes, sir.

Q Coffeyville, Kansas, you know where that is, that is away up north they got you rattled? A I don't know anything about Coffeyville, they said they would go.

BY COMMISSIONER BRECKINRIDGE:

Q You know the name of Coffeyville? A Yes, sir.

Q And you would go in there when you wanted to do some shopping?

A I never went in there much.

Q You know the name? A Yes, sir.

Q And you were often sent after things and sometimes go there?

A Yes, sir.

Q And you know that Coffeyville was across the state line didn't you? A No, sir.

Q Didn't know about that part of it? A No, sir.

Q Just remember the name? A Yes, sir.

Q How far was that from the Salt works? A I don't know.

Q But the people often went there for trading? A Yes, sir; I don't know anything about how far it is.

Q Would they go in the morning and come back in the afternoon?

A Some would go in the morning and some in the night.

Q Seemed to be a good day's ride? A Yes, sir.

JOHN WILLIAMS, called as a witness for the Applicants, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A John Williams.

Q How old are you? A I am 65 years old past.

Q What is your post office? A Fort Smith.

Q How long have you lived in Fort Smith? A Well, I have been living permanently there since 1870; I was there before that.

Q When did you first come to Fort Smith? A I came there in 1862, that is to stay any time.

Q And where did you come from? A I came from Washington Territory to the Territory here and from the Territory to Fort Smith.

Q How long did you stay in Fort Smith when you went there in 1862?

A I stayed there a month or two.

Q Where did you go to? A I was then living there and after I lived there I went to Missouri.

Q In what year was it you went up to Missouri? A '62.

Q How long did you stay up there? A I stayed there until '65.

Q When did you again come to Fort Smith? A In '65.

Q Did you go there to live? A Well I was not settled anywhere, I stayed there, yes, sir.

Q How long did you stay there in 1865? A I stayed there a few months.

Q And then where did you go? A I went back to Missouri again.

Q How long did you stay up there? A I stayed up there until the Spring of '66.

Q Where did you go then? A Came back to Fort Smith.

- Q How long did you stay at Fort Smith? A I stayed there, I have been there all the time, off and on ever since, that has been my home ever since that time, I haven't been there all the time.
- Q When you went there in 1866, how long did you stay there continuously? A I was then buying cattle and travelling around in this country.
- Q Making Fort Smith your headquarters? A Yes, sir.
- Q Have you spent any considerable period of time away from Fort Smith? A About six or eight months.
- Q Where were you away? A I was at Ozark Crawford County, my home was at Fort Smith.
- Q Were you frequently away from Fort Smith as much as three months at the time? A No, sir.
- Q You were engaged in the cattle business? A Yes, sir.
- Q How long did that continue? A Up until '70.
- Q And you had occasion to go to different places during that time? A Yes, sir.
- Q Did you range out into the Indian Territory? A Yes, sir, after '70, I did.
- Q Well, before '70? A I was backwards and forwards from Texas.
- Q And to different places in Arkansas? A Yes, sir.
- Q In prosecuting the stock business? A Yes, sir.
- Q Do you know George W. Vann, the applicant? A Yes, sir.
- Q When did you first meet him? A I first met him in '60.
- Q Where did you meet him in 1860? A At the salt works.
- Q Where are these salt works? A Up close to Webbers Falls.
- Q What was he doing there? A He was helping to make salt.
- Q Who had charge of the sale? A They were known as the John Drew salt works, I don't know.
- Q Did you know anything about his whereabouts during the war? A I did up to '62, he was in the lower part of the Territory, just down to Fort Smith, backwards and forwards.
- Q And then you lost sight of him? A I went away then.
- Q When did you see him again? A In '65.
- Q Where did you see him? A At the mouth of the Grand River.
- Q And did you have occasion to see him while you were engaged in the cattle business up until 1870? A I didn't see him until in the fall of '65, I went to Texas and come back and met him again at the Falls in '65.
- Q Well and then what did you see of him after that; have you any definite recollection as to when you saw him and where you saw him? A No, sir, not until I come back from Missouri.
- Q When was that? A I come back in '66.
- Q What fixes him on your mind then? A He was in the hay camp then.
- Q What was he doing? A Making hay.
- Q That was in '66 you saw him? A Yes, sir.
- Q Where was that, in the Cherokee Nation? A Yes, sir, about ten miles from Fort Smith.
- Q And did you have occasion to keep run of him after that? A Not particular; he was always talking about religion and preaching when I did see him.
- Q Do you remember definitely of meeting him at any particular periods after you met him in the hay camps? A I saw him every week or two, that is I saw him frequently after that.
- Q Down to how long a time? A Up to the Present time.
- Q You have seen him as frequently as one would a man living immediately in your community? A Yes, sir.
- Q Perhaps every month? A In 1870 I engaged in the Marshall business and was travelling in through this country.
- Q And then you would meet him frequently? A Yes, sir.
- Q Previous to that how about meeting him? A Well, during the time I was gone I never met him at all. From '68 to '69.
- Q I am talking about the period you say him after '66? A I saw him frequently after that.

Q You saw him almost continuously? A I saw him on and off as I would see any other neighbor, he was always about.  
Q And that continued on down to 1870? A Yes, sir.

EXAMINATION CONTINUED BY JOHN F. FAULDS:

Q You say you became acquainted with Mr. Vann first in 1840?  
A Yes, sir.  
Q Do you remember where you met him? A At the salt works.  
Q That was the salt works at Webbers Falls? A Down there somewhere.  
Q In the Cherokee Nation, Indian Territory? A Yes, sir.  
Q And you went away then sometime; when did you go away? A I went away in '62.  
Q To Missouri; well now you say you met him at the Grand river, in what year? Yes, sir.  
Q What circumstance puts that on your memory? A He was still preaching; at was at the Falls always trying to preach and talking about religion and I was there at the crossing of the Arkansas, he was there working when we crossed.  
Q And then where did you go? A Down in Texas.  
Q What were you doing in Texas? A I went down there in the Patent Right and buying cattle also.  
Q Did you bring cattle back with you? A Yes, sir.  
Q How did you come to go to Webbers Falls in '66? A When I come back, we were camped on Elk creek to rest a few days.  
Q Where is Elk Creek? A In the Creek Nation, somebody staid out work team of cattle and two horses; that left us so we could not travel.  
Q That was in '66? A No, sir, '65.  
Q And you say at Webbers Falls that time you saw George W. Vann?  
A Yes, sir.  
Q He was working there? A I don't know whether he was working there or not; I saw him in the store.  
Q Where did you go then? A I went back to the road.  
Q When did you come back to live in Fort Smith? A In the Spring of '66, early in the Spring.  
Q And did you see Vann at that time? A I saw him, it must to have been about hay cutting time, they were getting hay on the prairie.  
Q In the Cherokee Nation? A Yes, sir.  
Q Well then when did you go to live in Fort Smith? A I had not been away from there but a few months then.  
Q In '66? A Yes, sir, I was at Coalinga, ~~Franklin County, Tennessee, about six months in 1872.~~  
~~Franklin County, Tennessee, about six months in 1872.~~  
Q With the exception of about six months in Franklin country you had resided continuously in Fort Smith? A Yes, sir.  
Q When were you appointed a Marshall? A In '70.  
Q How long did you hold that position? A About 24 or 25 years.  
Q You were a deputy marshall at Fort Smith? A Yes, sir.  
Q And from 1866 to the present time you have frequently seen George W. Vann, the applicant, in the Cherokee Nation? A I always called it Parson Vann.  
Q That is the applicant in this case? A That is the man right there.  
Q Now, do you remember seeing Rachel Baker at the salt works in the Cherokee Nation? A That was a young lady cooking, she resembled the same one.  
Q The one that gave evidence here? A Yes, sir.  
Q What was she doing there? A She was cooking.  
Q In what year was that? A In 1860.

Q She was cooking at the camp at the salt works at Webbers Falls in the Cherokee Nation; it was not at Coffeyville, Kansas? A No, sir, Down close to the Falls.

Q On the Arkansas River? (No response.)

Q Now, in 1860 when you saw George Vann did you know who owned him at that time? A No, I don't know, but I knew who was said to have owned him.

Q Who was said to have owned him? A He said Jim Vann owned him.

Q A Cherokee indian? A I don't know about that.

Q But he was said to have belonged to Jim Vann? A Yes, sir.

CROSS-EXAMINATION BY W. W. HASTINGS:

Q Did you ever see Jim Vann? A Yes I did.

Q Before the war? A No, sir.

Q After the war? A No, sir, during the war.

Q Where did you see him? A Saw him on Bird Creek.

Q Where was that? A Creek Nation.

Q When? A It was during the Pertliholia fight.

Q What year was that? A That was in '61.

Q He was there was he? A Yes, sir, man they called Jim Vann.

Q What kind of a looking man was he? A He was reasonably white man.

Q White man? A Almost white.

Q About what age was he? A He appeared to be about 25 or 30 somewhere along there.

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

Q You only saw him the one time? A I saw him several times during the time we were camped there.

Q How far were these salt works from Webbers Falls and what direction? A They were right close to the Falls at John Drew's old place.

Q Well, about how far? A About a mile and half or two miles back from the water like.

Q What direction from Webbers Falls? A South of there.

Q On the west side of the Arkansas river? A Yes, sir.

Q The town of Webbers Falls was then there? A There was only one or two stores there.

Q Do you remember any one else living there, who was keeping the store? A At the time I was getting salt and I never came down as far as the town was, we only went to Drew's house.

Q What kind of a house did Drew have? A It was a one story house.

Q Frame or log? A It might have been weather boarded log house, it was a double log house, perch between them.

Q You don't know whether it was weather boarded or not? A It was a good house at that time.

Q Did he have a large farm? A Pretty large farm.

Q How far were these salt works from Drew's place? A About a mile and a half or two miles.

Q Do you remember any other Cherokees that was in that neighborhood at that time? A Yes, sir.

Q Name them? A There were the Drews, two or three of them.

Q Anybody else besides the Drews? A No, not in the immediate neighborhood.

Q Did you meet any other Cherokees at the salt works? A There were several full blooded Cherokees at the time.

Q Do you remember any one of them? A No, sir.

Q Who was foreman of the salt works? A I don't remember it now.

Q You bought salt from him? A Yes, sir.

Q Who did you buy salt from? A I come there and get the salt and give a two bill on the store.

Q What store? A Holmes' store.

Q They were at the Creek Agency at the time of the war? A Yes, sir.



Q But you don't know whom you would give these due-bills to? A No, sir.

Q You don't remember his name? A No, sir.

Q You were there a number of times? A I was there three different times.

Q Were any houses put up around these salt works? A All in camp there.

Q About how many colored people were there? A Several were there.

Q About how many? A Four, five or six.

Q Any more woman except this woman you have identified?

A Yes, there were several woman, but she was the only one there at the camp.

Q You identify her as being that woman? A I think she is the same woman, she has changed some since then.

Q Do you remember any other colored persons there that was there at the works prior to the war? A I would not know him excepting for his preaching faculties.

Q Did he have his wife there with him? A I didn't see her.

Q Did you hear him say anything about her? A No, sir.

Q What are you doing now? A I haven't been doing anything for a year or so, I have had the Rheumatism; I have been keeping books at the saw mill.

Q You say you have lived in Fort Smith almost continuously since the war? A Yes, sir.

Q Now, when did you quit riding as a deputy marshall? A I quit when George Crump was Marshall.

Q How many years ago was that? A It has been about eight years.

Q Have you a family? A I have got two brothers.

Q Married? A Well I was, my wife got killed.

Q Are they living with you? A No, sir, one is in Colorado and the other is at Seneca.

Q Where do you make your home there in Fort Smith? A I am boarding there at Bridges Hotel.

Q Have you been doing anything since you were Marshall eight years ago? A Yes, sir.

Q What have you been doing? A Different occupations, I worked at the saw mill.

Q How long have you worked at the saw mill? A Four or five years off and on.

Q Where was the saw mill? A Up close to Powell, Indian Territory.

Q What else have you been doing? A Part of the time I have not been able to do anything, haven't been able to get around.

Q Do you know who he was living with in 1866; you didn't see his family, you would always see him at Fort Smith or over there in the hay camp? A No, sir.

Q Do you know who he was putting up that hay for? A I don't know.

Q Do you know who was boss of the camp? A Mike Wallace.

Q Mike is in the saloon business there? A He is in the grocery business.

Q He was boss of the camp that this man worked in? A He was boss of one camp, there were several cutting there on the Blackburn prairie.

Q Have you ever been tried for any offense? A Yes, sir.

Q For what? A I was charged with at one time for stealing a hundred head of mules.

Q Have you been tried for anything else? A No, sir.

Q Have you ever been arrested any other time? A No, sir. They got the wrong man though.

Q Do you know J. Warren Reed? A Yes, sir.

- Q Have you talked to him about this case? A No, sir.  
Q You have not? (nods, "No.")  
Q You never have? A Yes, I have t alked to him about a case.  
Q You never talked to him about this man, ~~ix~~ George W. Vann, about this case? A Yes, I have talked to him.  
Q He is down here in town and you and others have talked to him about this case, you and the other witnesses? A I have talked to him.  
Q Was not you present when other witnesses talked to him about it?  
A No, sir.  
Q Didn't you talk to him last night? A No, sit, didn't see him at all.  
Q Did you talk to him this morning? A Yes, sir.  
Q About this case? A Yes, sir.

EXAMINATION BY JOHN F. FAULDS:

- Q You say you were charged with stealing how many mules? A One hundred sixty head.  
Q What became of that charge? A Nolle pressed.  
Q Why? A Because I was not the man.  
Q Case of mistake? A Yes, sir.  
Q You were speaking of ~~James~~ Jim Vann being the owner of George W. Vann, the applicant; was that the Jim Vann, the son of old Joe Vann, who was blown up on the steam boat? A I don't know about that.  
Q Do you that that it was said that he was? A Yes, sir.  
Q It was said that he was a son of old Joe Vann that was blown up on the steam boat on the Mississippi River? A Yes, sir.  
Q You are a white man? A No, sir, I rishman.  
Q Citizen of the United States? A Yes, sir.  
Q You have no Freedman blood in you and no Indian blood?  
A Not that I knew of.

GEORGE W. VANN, the Applicant, re-called, testified as follows: EXAMINATION BY JOHN F. FAULDS:

- Q Mr. Vann, I will ask you if you ever worked ~~any~~ in any salt works in Coffeyville, Kansas, or any place in Kansas? A Never in my life.  
Q Never worked in Kansas in your life? A No, sir.

BY W. W. HASTINGS:

- Q You said in your examination yesterday that you had charge of a Church at Tahlequah? A I did, sir.  
Q When was that? A In '77, I told you that I had charge of a church at what we called Revolt, at Sand town, Hivens town, Fort Gibson, Four Mile Branch out here and one in Tahlequah.  
Q How long did you have charge of that church? A Read that circuit there one session, then I went out and I next went to the Choctaw Nation at Sculliville, and the next one at Sulphur Springs.  
Q when did you owner, Jim Vann die? A Well, sir; I don't know, my understanding was that he died in Kansas after the Portihela fight and died up there.  
Q During the war? A Yes, sir.  
Q Mrs. Sawyer here was a sister of his, do you know her before the war? A Yes, yes, seed her here in Gibson.  
Q Did you know her before the war? A Why, yes; was not I under her, her, old Joe Vann's child.

- Q Did Jim Vann have a woman down at the beginning of the war?  
A I don't know, sir, whether he did, because six years I was hired to old Ben Johnson and never went in the family.
- Q Did he have any when you left him the six years before the war?  
A I don't remember, sir, because Jim Vann had me hired out and got all the money he could and get drunk.
- Q You don't know anything about his family? A I knew him at Webbers Falls; Sallie Lavore was Jim Vann's youngest child; he hired me out and got the money and would get drunk.
- Q How long did you work at these salt works? A I guess about two months there.
- Q Who was in charge of them? A I don't know, sir.
- Q Who ~~was~~ were you under? A Well, there was a man there by the name of Crutchfield that always paid me for the work.
- Q They always paid you and you sent it to your owner? A Yes, sir; well, no, sir; I never sent it to him only I would carry it to old Ben Johnson; I was hired to old Ben Johnson for \$900 that was owing and I was hired out and I would get \$30 a month.
- Q What I understand from you, you were hired to Ben Johnson but was owned by Jim Vann? A Yes, sir.
- Q You testified five years ago that you belonged to Dr. Tackett at that time? A Never in the world.
- Q And was not Dr. Tackett here to testify the same thing?  
A No, sir.
- Q Didn't you swear that you belonged to Jim Vann up to just about the war and that Jim Vann sold you to Dr. Tackett and didn't you have Dr. Tackett, who is now dead, to come up before the Kerns-Clifton Commission in 1896 to swear that that was a fact? A No, sir; that is right about, I sent to Dr. Tackett; when he come to this country, old Jim Vann and him come and he got five hundred dollars in debt and when he come here old Joe Vann was about to kill him and I was his waiting boy and he had to call me back; he swore that "I had five hundred dollars interest in that nigger once" and Jim Vann had the note then when old Joe Vann come on the steam boat and found it out he was about to kill him.
- Q About when was that? A I don't know. And I had to deny it and he had his tussel and I had seen him kill two or three and he said he would kill him; he said he would and he took it back and he said he would let him along; I could go to Fort Smith to Fort Smith and get the record where Dr. Tackett took me up; and what is in my duty because I went to Washington City in 1872 and sued for \$75,000 and sued and got it for the negroes; that is the reason they hate me and that is what they said that man passed me once when the Wallace roll went up.

BY MR. JOHN F. PAULDS:

- Q That Jim Vann who owned you was a Cherokee Indian?  
A He was.
- Q And he was a son of old Joe Vann that was blown up on the steam boat on the Mississippi? A On the upper Mississippi, between St. Louis and the mouth of the Mississippi.
- Q You say Jim Vann hired you out to a man by the name of Ben Johnson? A Yes, sir.
- Q And you were working under the instruction and subject to Ben Johnson when you were at the salt works? A Yes, sir.
- Q Jim Vann owned Ben Johnson an amount of money? A Yes, sir.
- Q And he hired you out to Ben Johnson to pay for that debt? A He had a mortgage on me.
- Q And you were paying off that debt due to your master while you were working at the salt works? A Yes, sir.

BY W. W. HASTINGS:

Q When was that this dispute come up between you and Dr. Tackett when Joe Vann was present that you refer to in your testimony?  
A It was after I emigrated from the old Nation.  
Q Well, about how long before the war? A A good while before the war.  
Q About how many years? A You have got to something I don't know.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of himself, his wife and four minor children and for the enrollment of six grand children, who are orphans and children of a deceased daughter: The applicant is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. The testimony in this case has been voluminous and the applicant will now be listed for enrollment upon a doubtful card for further consideration.

The applicant's wife is not identified upon any roll, but she will be listed with him as a Cherokee Freedman on a doubtful card.

Of the four minor children applied for, one is found to be of age and the application is only continued for three, viz: Harrison, John and Janie Vann. These children are respectively 19, 14 and 13 years of age and are said to be the children of the applicant's present wife. They are not identified upon ~~ix~~ either the Kerns-Clifton roll, or upon the census roll of 1896. They are said to be living at this time and they will be listed for enrollment upon a doubtful card as Cherokee Freedmen. It should be noted that the mother of these children is said to be a Creek woman and the Creek roll should be examined before a final decision is reached with reference to the applicant's wife, the mother of these children, now known as Mary J. Vann.

The six grand children named in the testimony, John, Richard, Thomas, Harrison, James and Peter Vann, are said to be living and to be the children of the applicant's deceased daughter, Lucy. The mother of these children would be about 45 years of age if living now and is said to have died some five years ago. She is not identified upon any roll of the Cherokee. The children are old enough to be upon the Kerns-Clifton roll and the census roll of 1896, but they are not identified upon either of said rolls. They will now be listed for enrollment as Cherokee Freedmen upon a doubtful card.

Reference is made to Commission case No. 257, page 44, Docket A, showing that George W. Vann, et al., applied to the Dawes Commission for admission to Cherokee citizenship September 7th, 1896; that the application was denied and no appeal was taken therefrom. At present it cannot be determined whether this is the George W. Vann in question, but the case will be examined at the proper time through the original documents.

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

Subscribed and sworn to before me this 25th day of April, 1901.

*J. O. Rossen*  
*[Signature]*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, et al as Cherokee Freedmen;

Joseph Bruner, being sworn and examined by Commissioner Peck-inridge, testified as follows:

- Q Give your full name please? A Joseph Bruner.  
 Q You were examined this forenoon in the George W. Vann case?  
 A Yes sir.  
 Q You stated that you had belonged to Joseph Vann, the one who is stated to have been blown up in a steamboat? A Yes sir.  
 Q That's the Joseph Vann that was blown up in a steamboat on the Mississippi River? A They tell me it was Louisville, Kentucky.  
 Q It was off east there some place? A Yes sir.  
 Q Then when that Joseph Vann died you belonged to a son of his?  
 A No sir, his family.  
 Q He had a son named Jim? A Yes sir, oldest child.  
 Q And you were personally acquainted with all the slaves that lived on the plantation there, that belonged to Joseph Vann?  
 A The old heads I was, and a good many of the children.  
 Q But you knew all the grown up men and women that had families?  
 A Yes sir.  
 Q Now you testified this forenoon that the Joe Vann family did not own any slave named George except one who was drowned by up here opposite Ft. Scott? A Yes sir.  
 Q But I believe the question wasn't asked you directly as to whether you know this applicant here, who calls himself George Vann, did you know him by any other name? A Yes sir.  
 Q Did you know this man here, George Vann, who calls himself George Vann? A I know him now.  
 Q But did you ever know him before the war? A I never knowed him before the war.  
 Q You never knew him as being a slave of the Joe Vann family under any name? A Not any name, no name whatever.  
 Q When did you first know him? A 15 years ago.  
 Q That was the first knowledge you had of him? A Yes sir.  
 Q That is the first knowledge you had of this individual under any name at all? A Yes sir, I called his attention to me; I come out of Orfendorfer's store, and I says, parson, and he stopped and looked around; says I: your name is Parson Vann? He says, Yes. I says, what Vann did you belong to, and he says, I belonged to Joe Vann, that big Indian that owned the Lucy Walker steamboat.  
 Q I says I am by the stock of Vann negroes and says I don't recollect you, and says that certainly I did, and turns around deliberately and walks away from me and I had no more questions.

Examined by attorney for applicant, J.F. Paulds:

- Q Your understanding is that this steamboat was blown up at Louisville, Kentucky? A Yes sir, that's what I always understood.  
 Q Not on the upper Mississippi? A I don't know whether it was on the upper or where it was; I have never been there.  
 Q That's your understanding, that it was Louisville, Kentucky? A Yes sir.  
 Q You fell to Jim Vann? A I never fell to Jim Vann.  
 Q Then you never was a slave of Jim Vann? A I was of the family; he was a son of Joe Vann; I was in the family.  
 Q When Joe Vann died were all the slaves divided up among his children? A Slaves were divided up, but it was four or five years after.  
 Q Who were you given to? A Sallie Vann drew me.  
 Q Where does she live? A There below Knight's place, below the mouth of the Illinois. It was called the old Brigg's place.  
 Q How far below the mouth? A It might have been mile and a half.

Q That's where Ballie Vann lived? A With her mother.

Q She was your owner? A She was my owner.

Q How many slaves did she own? A She had me and old man Joe and his wife and Jesse and Ballie, Jeff, Lydia, and one that they called Angelina, for her part.

Q And you never did belong to Jim Vann? A I belonged to him before he died the estate was divided.

Q You were never his individual nigger? A I never was; only just with his father; I called him Harse Jim of course; he was Joe Vann's child and everything of that kind, but as for personally belonging to him I belonged just as much to one as the other.

Q Did Mayfield get some of these same negroes? A Yes sir, a good lot of them.

Q You know how many? A He got Patty and Lucinda with their four children, and there was John Harnage and him both got some of the darkies, and there was a Pat, Phillis' daughter, she went away.

Q Well, how long did Jim Vann live after there was a division of the slaves? A He lived until the Rebellion here.

Q How long before that were the slaves divided? A Between four and five years after Joe Vann's decease the slaves were divided.

Q That was how many years before Jim Vann's decease the slaves were divided? A (No reply.)

Q When did Jim Vann die? A Died time of the war; he died in Kansas.

Q Have you got any idea now as to how many years it was before Jim Vann died that these slaves were divided, six or seven years?

A Longer than that.

Q Ten years? A Before he died?

Q Yes? A When the slaves was divided it was along in '46 or '7 maybe '8, along in there when the slaves was divided; I am pretty positive of that.

Q That would be about 18 years before the war started? A Jim Vann died during the war, it must have been 16 or 17 years before Jim Vann died that the slaves were divided? A They was divided directly after them two high waters.

Q About how old were you then? A I might have been eight or nine years old when the slaves were divided.

Q It must have puzzled your brain to keep track of these negroes during all this time? A I was a little boy and had nothing to do, and Jim Vann was able to feed me and I had been knowing them all.

Q That's all you know, the six years or so that the slaves were divided, is that all you can remember, about eight or nine years before a little one?

A And the old ones.

Q You were only eight or nine years of age when the slaves were divided? A I might have been that age; might have been older.

Q You might have been six or seven? A I think I was about seven years old when the boat blew up I think I was older than that when the slaves were divided.

Q You told me awhile ago that the slaves were divided up about five years after Joe Vann died? A Well of course.

Q Well if you were six or seven years old, that would make you about 13? A Well, I said I might have been; I was there all the time; went around with him in the horse lots and all those, my mother was a cook with him and I certainly did know.

Q How old were you when Joe Vann came to this country? A When Joe Vann came to this country I come on the wheel boat with him; my mother was his cook with him, and I come on the wheel boat; I was walking when I come to this country.

Q Just able to walk? A I haven't got any great recollection about that, but I was walking.

Q Three or four years old? A I would be ashamed of myself if it took me three or four years to walk.

Q You remember when you first walked? A No, I don't.

Q Didn't you come on the wheelboat? A No, I didn't.

Q How did you come? A I come on Vann's boat, but it was a wheel boat.

Q Well then, how many people were there slaves divided among?

it asserted how many there was; I know how many children drew.

Q And all the names of the children? A Dave Vann and Sallie and William and Sophia and Johnson; them was Pelly's children.

Jim, Johnnie, Delila, Henry; them was Jennie's children that was living.

Q Nobody else got any slaves except those you have mentioned?

A Yes sir, negro traders come and bought some.

Q I am not talking about the slaves he sold, but the slaves that were divided among Joe Vann's heirs? A Their mother's drew.

Q Whose mothers? A Them children's mothers.

Q I say you have mentioned all of them that got a share of the slaves? A Yes sir.

Q And you have kept track ever since the 1846 of all the slaves that every one of these heirs drew? A I never kept no track of it, but I know.

Q Well you must have kept track of it if you know? A I can recollect what children drew darkies on the place; I was living.

Q 125 or 150 of them? A Jim Vann said himself got considerable of money and of them darkies before the estate was divided, and when the estate was divided he was in California, but he drew a child's part.

Q Jim Vann was pretty much in debt? A Joe Vann was, so they said, but Jim wasn't.

Q Didn't Jim drink? A Yes sir.

Q He was always pretty hard up? A I don't know that.

Q Didn't he ever hire his negroes out? A None that I know of; when he got a lot hold of them he carried them off and sold them.

Q He didn't hire any one? A Not that I know of.

Q You would know? A Of course I would; he never hired none at all.

Q And none of the other children hired them out? A Not before they was divided.

Q Well, after they was divided? A I never kept track of them, I was off with Sallie after she married Vough; she staid at her mother's until she married Vough.

Q You just kept track of Jim Vann's slaves? A I knew what Jim had when I left the family.

Q Why don't you know what the others had? A They had their slaves.

Q Why is it you know how many Jim Vann had, if you don't know how many Jim Vann had? A I tell you I know how many they had, just like I know what my mistress had me at the time.

Q You know how they were divided, what this one got and what that one got; you have remembered it ever since? A I was in the country and saw the whole thing; I know who divided them.

Q How many of these slaves can you name over now of all these slaves, 125, 150 or maybe 200? A I can name over a good many of them.

Objection by Cherokee Representative, James S. Davenport, on ground that all of this has been gone over.

Q Were were all the slaves when the boat was blown up? A No; only one was on the place except 10 or 11, that were with Joe Vann.

Q And they were blown up? A They were blown up on the boat with Joe Vann; there were not any of them hired out.

Q Where was his race horses then? A They were there on the place, what were not dead.

Q Well now, you were a slave yourself, and you ought to know what was usually done in those days; wasn't it a thing of frequent occurrence for an owner to hire out his slaves? Wasn't it customary there for him to hire out their slaves? A I don't know what it was with the best people, but it wasn't with Joe Vann.

Q You don't know anything about any other people but Joe Vann?

A I know other people.

Q How much are you getting to testify to-day? A

Attorneys for the Cherokee Nation object to the question.

Don't Franklin, is Cherokee Representative, W. V. Hastings.

Mr. Hastings, state what fees you are giving here every day?  
Hastings: Two dollars a day and mileage. That two dollars a day is discounted.

Examination of witness continued by attorney J.F. Maulds:

Q You are getting two dollars a day here as a witness, and your expenses- and your mileage; you get mileage there and back and two dollars a day, that's it? A I suppose so; it has never been told me.

HARTWELL H. HOUSTON, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Hartwell H. Houston.

Q How old are you? A I am 67 years old.

Q What is your post-office? A Fort Smith, Arkansas.

Q Do you live in Ft. Smith? Or in the Cherokee nation? A I live in the Cherokee Nation half of the time or over half of the time, but I am an old soldier and I have to be somewhere as where I can work at my trade, and I stay there while I am on business, backwards and forwards.

Q How long since you first came to the Cherokee Nation? A I came to the Cherokee Nation about 1860.

Q How long did you stay in the Cherokee nation at that time? A I staid here about six months I reckon.

Q And then when did you return to the Cherokee Nation again? A I didn't come to it no more then until about '66.

Q And how long did you stay in the Cherokee Nation then? A I ~~staid~~ staid one place and another over a year.

Q And then when did you come back to the Cherokee Nation again? A I come back then again in about '76; I was here between that and that, but I didn't stay long; I was here two or three times during that, but you are asking for the time I staid any length of time; I just passed in and noticed my property and passed out, and about '76 I built here, that is I left money here then to build and clear up.

Examined by applicant's attorney, J.F. Maulds:

Q What has your home been, your effects since 1866? A They were here; that is of course I had some of my wearing clothing away, and pretty well all of them, but I had some stock and I kept it here; I didn't have much more than wearing clothing outside of stock.

Q Do you know George W. Vann, this man here, the applicant?

A I guess I do.

Q When did you first know him? A I have known him about 80 odd year; his mother and my mother was sisters.

Q You are his cousin? A Yes sir.

Q Well now where did you first know him? A I first know him in Tennessee.

Q When did you first know him here in the Indian Territory? A I know him in 1866 I think it was I know him here; well I think when I was here in '60 I saw him, but I don't remember exactly whether he was; whether he was sitting down doing anything or not, but he was loafing around, and I think he was on the boat some times; I guess I just as likely saw him and didn't have much time to talk with him.

Q You know whether or not he was a slave, and if so, who owned him?

A If I understand it he was no slave; my learning about it as far as my knowledge got, he was kind of under a mortgage or something of that sort, guardian, it was nearly like slavery in slave time, because I was pretty much to that fix myself.

Q Who mortgaged him? A I don't know.

Q Was it said that anybody had mortgaged him or was his guardian?

A It was somebody before that, I can't recollect the name, I



don't know; I heard it was from old Joe Vann or somebody he had mortgaged him off, put him under that man for money or something of that sort.

Q When was that talk made? A That was made to me in '60 when I was here.

Q Did you ever hear his name mentioned in connection with Jim Vann, son of Joe Vann, at that time, in '60? A Yes sir.

Q What was it? A Jim Vann was the one he was under, and he was often with- I heard he hired his time, and he would run on the boats too.

Q You heard that at that time, in '60? A Yes sir, along then I heard it. That was when I failed to see him only just a few very few times.

Q What part of the Cherokee Nation did you see him in here? A Down here near Ft. Smith in Sequoyah District.

Q Then it was your understanding and the general talk at that time that he was under contract of Jim Vann? A Yes sir, that's a fact, the way I heard it.

Examined by Cherokee Representative, James S. Davenport:

Q Who did you hear say he was under contract of Jim Vann in 1860? A Well I heard him say so.

Q Then what made you say while ago you didn't know much about where he was in '60? A I didn't; and tell you I don't know that yet; I said I didn't see him much that time; that's what I said.

Q When was it you heard him say he was under the control of Jim Vann in '60? A I heard him say it in '66.

Q Where were you when the war broke out? A I was in the state of Tennessee when the fight was in July.

Q In '61, when the war began? A I was in Tennessee.

Q Were you living there at that time? A I didn't live nowhere much.

Q You had no family at that time? A No sir.

Q And you were over in Tennessee? A Yes sir.

Q Had been there for sometime when the war broke out? A I went from here in '60.

Q And you had never lived here but a few days? A No sir, just a few days.

Q Just been over here prospecting around? A No sir.

Q Where were you when the war closed? A I was in Nashville, Tennessee, because I was mustered out in January; I was residing in Nashville in January, 1866.

Q Where were you when you enlisted in the army? A Murphrysboro, Tennessee.

Q And you mustered out at Nashville? A Yes sir.

Q And you then came to the Cherokee Nation? A I did.

Q What year did you come to the Cherokee Nation? A Fall of '66.

Q You have been living here? A No sir, I have been backwards and forwards.

Q You are not a freedman? A I was ~~just~~ free myself.

Q Was you free before the war? A Yes sir.

Q And was living in the state of Tennessee? A Yes sir.

Q You are a cousin of George Vann's? A That's what's told me.

Q You know where George Vann was living when the war closed?

Q He was living here in the nation.

Q Do you know that of your own knowledge? A Yes sir, I know it.

Q You were in Tennessee when you were mustered out, how do you know that? A I came right here.

Q You were mustered out in '66, and came here then? A No sir, I was mustered out in '66.

Q What place was George living on when you came? A This is a bit Ft. Smith, about a mile and a half from the bridge.

Q George has lived there ever since? A No sir, he has moved farther up this way.

Q Well has he lived continuously in Sequoyah District to your knowledge since '66? A Yes sir, to my knowledge he has been out

at times.

Q How long has he been out at a time? A I don't know that he has been out any time but once to my knowledge he has been out about a year.

Q You don't know where he was? A No sir.

Q You don't know what year that was? A No, I do not.

Q You know when George came back to the Nation? A Well I can't tell you; I can not tell you unless I tell you what I heard.

I ask you what you know? A I don't know.

Q You know whether he ever lived ~~somewhere~~ in the state of Tennessee near Chattanooga or not? A Yes sir, I am satisfied he lived there.

Examined by attorney, J. F. Faulds:

Q When was it he lived there? A When I was a little fellow.

Q That was long before the war? A Yes sir.

Q How old are you? A I am 67 years old the 23rd day of this coming June; I was born the 23rd day of June, 1834, I t's put on the books.

Q You know when you first joined the army? A Yes sir.

Q You know what year it was? A Yes sir, it was in '63, the 11th day or 10th day of September, '63, immediately after Rosenkrans left Murphryshoro to go south after General Braggs.

Q Where did you live before that? A In Tennessee.

Q Where did you live before that; you know where you lived in '61? A I tell you I was out here in '60, and I was back in '60.

Q Come out to the Indian Nation? A Yes sir, I want here I don't think any over a year, anyway, and then I went back and then when I come again that was in '60 and then I didn't come back, as I tell you, only just passed in and out between that and '66.

Q What did you come here for in '60? A Because my mother told me I had a right in the Cherokee Nation, and I know my grandfather John Brown was her father, and she always did tell me I had rights here.

Q You were here in the Cherokee Nation in '60 and '61? A In '60 well it may have been part of '61.

Q You staid you said here a year? A Well, a year.

Q Then you were here in '61? A It may have been about the first of '61 when I went back; it was the first of '60 when I come, and I staid here a year or a little over, and then went back and passed back again before '63, when I enlisted and then I was in the war and never got here no more until '66.

Q It was '63 you went into the army? A Yes sir.

Q Your mother was living in the Cherokee Nation at that time?

A No sir.

Q In Tennessee? A Yes sir, in Tennessee; she has told me that if you search the rolls of '35 I think, along in September some time in '35, you will find Brown had slaves, and he had six half-breed Cherokees and they were free.

Q You are a free negro? A I am a free negro and Indian together.

Examined by Cherokee Representative, James S. Davenport:

Q Now when you came here in '60 you came here to set up and claim a right in the Cherokee nation? A Yes sir.

Q What right did you set up to claim in '60; what did you claim as; as a Freedman or a Cherokee by blood? A Well I didn't claim either one, for I didn't know anything about any such thing as that; I come because I was kin to the Indians and they told me I had a right and I come to take up land; I heard they used the land in common and I thought I could take up a place where nobody was claiming and live there.

Q Didn't you know what you claimed, what right, whether as a Cherokee by blood or a Freedman? A No sir, I did not know; I did not

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know what way I had to claim it.

Q As a matter of fact you never came here in '60 to claim a right? A Yes sir, I did.

Q Then you must know ~~what~~ what right you had to claim when you came? A No sir, I didn't know.

Q As a matter of fact you came here to claim as a white man didn't you? A No, I didn't; I know exactly what I was; I come to claim the land, that was my claim.

Q You were going to claim it whether you were a citizen by blood or a Freedman? A You want to find out what I claimed to be, Cherokee by blood or Freedman; well I knowed I was part negro and part Indian, according to what I had been taught; of course I didn't know only what people taught me, and knowing that they said I had a right well I come to take that land and stay on it, until they see fit or I see fit to move to some other place, like the Indians done; of course, as I tell you, I learned I was part negro and part Indian.

Q You came to claim as a Cherokee by blood or Freedman, you didn't care which? A As I tell you, I was claiming negro and Cherokee.

Q They told you you could get land in the Cherokee Nation claiming as a ~~Cherokee~~ Freedman or Indian? A Yes sir.

Examined by ~~xxxxxxxxxxxxxxxxxxxx~~ Attorney, J.F. Paulds:

Q When were you told that? You say some body told you? A I didn't tell you some body told me; my nother told me; she knowed how they did.

Witness returned, after being excused:

Witness: I wish to correct any mistake I made.

Com'r Breckinridge:

Q You want to state just what you were in '60, is that the point? A Yes sir.

Q You were free in '60? A Yes sir.

Q And you were free before '60? A Yes sir.

Q And you never were a slave? A No sir.

Examined by Cherokee Representative, James S. Davenport:

Q What was your post-office in '60, in Tennessee? A I had no post-office; I didn't write any; I didn't have no writing to do.

Q By whom were you freed before the war; were your parents ever slaves? A They never was; neither one of them.

Q What place in Tennessee did your parents live? A They lived around Chattanooga.

Q Was their post-office at Chattanooga? A I do not know; I suppose it was; if they had any writing to do that it would have been; they didn't know any writing.

Examined by Commissioner Breckinridge:

Q Chattanooga your nearest town? A Yes sir.

Examined by Cherokee Representative, James S. Davenport:

Q In what way did you travel when you came to the Cherokee Nation in 1860? A I traveled on my feet and on a boat.

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

*M. D. Green*

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

*[Signature]*

Notary at Large.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ft. Gibson, I. T., April 29, 1901.

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

Joseph H. Bowers, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name. A Joseph H. ~~Bowers~~ Bowers.  
Q How old are you? A 62 years old.  
Q What is your postoffice? A Muldrow.  
Q In what district do you live? A Sequoyah.

Examined by W. W. Hastings, Cherokee Representative-

- Q Mr. Bowers, how long have you lived in Sequoyah District? A Thirty-three years last March, 1867.  
Q Where did you locate when you first came there in '67? A On the bank of the river a short time.  
Q On the Bank of the Arkansas River? A Yes sir.  
Q How far from Fort Smith? A Just opposite, across the river.  
Q Where have you lived ever since? A Right in -- well, I lived four miles above there in the bottoms for five years. I lived during that spring and summer and until fall about a half mile above the landing on the Cherokee side, and then I moved four miles above the river in the bottoms on the Cherokee side.  
Q Well, since that time, have you lived in about that same place? A Yes, within twelve or thirteen miles of Fort Smith.  
Q You have lived on the Cherokee side ever since? A Yes sir, Cherokee side ever since.  
Q The first year after the war you lived nearer to Fort Smith than you live now? A Yes sir.  
Q You live farther from Fort Smith now than you ever lived? A Yes sir.  
Q What did you do the first years after the war? A '65 was the first after the war.  
Q The first year after the war in the Cherokee Nation? A I farmed, and then there was a posse of deputy marshals and I was a deputy marshal in '65 and '66.  
Q You kept a kind of boarding house or stage stand? A That was nine miles house from Fort Smith on Fort Gibson and Fort Smith wagon road.  
Q You were pretty well acquainted with the people around in that country? A Yes sir.  
Q Well acquainted with them yet? A Yes sir.  
Q I believe you are postmaster at Muldrow? A Yes sir; at Camp Creek eleven years.  
Q How far is that from Fort Smith? A Nine miles west on the Cherokee side, on the wagon road to Fort Gibson and Muskogee, and I was postmaster at Muldrow under Harrison administration and under McKinley's administration four years.  
Q You know this applicant, George W. Vann? A Yes sir.  
Q Now, Mr. Bowers, how long have you known him? A About the first time, I met him at the river opposite Fort Smith in '77 or '78; I don't remember what year; about that time.  
Q Did you ever see or hear of him before that time? A No sir; I heard of him in the time of the Compton and Barten campaign; that wasn't his name; they called him Reverend some one who made a speech at Fort Smith; ~~that was the first time I saw him.~~ I heard of him; that was the first time I saw him.  
Q You hadn't seen him around in that section of the country? A No sir.  
Q Where had you heard of him being before that? A I heard he come from Little Rock ~~up~~ up there.  
Q You never heard of his being ever in the nation prior to that time? A No sir, I never heard of that.  
Q You never saw him ever there prior to that time? A No sir, I knew every man in the country at that time, thirty years ago, 35 years ago, white men and black men and Indian.

Q You think you would be safe in saying he wasn't there? A If he had been there prior to '77 or '8, I certainly would have got acquainted with him.

Q Was the country poorly settled at that time? A No sir, there wasn't a dozen whitemen in that part of the country thirty years ago and very few people, and there were but few colored people there and they were Cherokee Freedmen, every one of them.

Q Were you present when Mr. Vann made his application before the Clifton Commission, five years ago? A Yes sir.

Q Do you remember whether he admitted that his name was George W. McKamy under oath or not? A He said his name was George W. Vann.

Q When he was asked the question whether he ever went by the name of George W. McKamy, did he admit it or deny it? A He said that wasn't his name.

Q Do you remember whether he was asked at that time whether he ever lived in Little Rock or Argenta? A No, I don't remember.

Q Do you remember whether he was asked if he was ever in Chattanooga, Tennessee? A I remember that.

Q Did he admit or deny it? A I don't know what answer he made; I know he was asked that.

Examination by J. F. Paulds, Attorney for Applicant:

Q You know whether or not George W. Vann was a Constable at Argenta, and that his name was George W. McKamy? A I don't know anything about that.

Q Now, you say that you lived in Fort Smith right after the war?

A Yes sir, I worked for the government there in '66 and part of '67.

Q And you lived there up until when? A Until '67; March, '67.

Q That was the first time you ever lived in Fort Smith? A I was there in the war time as a soldier.

Q And then '67, where did you go? A To the Cherokee Nation.

Q By the Arkansas River? A Right opposite Fort Smith.

Q And you have lived there how long? A Ever since.

Q What are you doing down there? A Farming most of the time.

Q Are you a citizen of the Cherokee Nation? A I was for a number of years and then I married a white woman. I claim citizenship yet.

Q But you were a citizen for a long time by adoption? A Yes sir.

Q You say you know every man down in that country? A I did 25 years ago.

Q Well, suppose a man worked down there for three or four months and then go off and work around Fort Gibson or Choctaw Nation for some time, are you sure that you would know, you would be aware of that fact that he had worked there three or four months, or a few weeks? A There didn't many people come there to work; I think I would have known it.

Q Then you undertake to say that every man that came there to work three or four months, you would have known him? A I think I would have known him.

Q Give me the names of some of them? A I couldn't give you no names; I don't know of any one coming down there. A colored man from the states wouldn't come ever there. They were afraid to come there, it was too rough, too much trouble.

Q How long did it continue that way? A From '72 to '74, '5 or '6.

Q Well, you are speaking up until when, before when, up to when?

A From '67 up to '75.

Q Then you undertake to swear here that you knew every man that lived in that country and knew every man that worked in that country? A Come pretty near knowing.

Q Whenever there was a stranger come in that country they knew him in a few days? A There were very few there at that time; there wasn't twenty white people in that country.

Q If they come within ten miles of you and worked two weeks then you would have known him? A I couldn't say, yes; two weeks.

Q Well a month? A I think so.

Q Would you keep track of them by putting their names on a book?

A I would just remember; we had public workings at that time; people were peer, and they were horse racing, and people would congregate there.

Q Way back thirty years ago, you can remember every man that

lived there; the name of every man that lived there and worked there? A Yes sir, in that part of the country.

Q About for forty miles? A I wouldn't say that; I knew every white man in Sequah District Cherokees and what few white people that lived there.

Q There weren't any poor niggers lived there? A I know every one within fifteen or twenty miles in that district? A I knew all the colored people in that district.

Q Did you know all the little nigger children five or six years old? A No sir.

Q How old did they have to be? A Just the grown people.

Q How many years have you known George W. Vann? A I don't remember the year, between '77 and '78 the first time; I don't know what year it was. I met him out on the landing.

Q Have you never seen him before that? A No sir, never seen him before.

Q Do you know of him buying any farms down there in 1879 or 1880? A I don't know; he settled down there in the bottom three or four miles from the landing. He settled there; I don't know whether he bought any. I was back in there once with a sheriff two or three time where he lived.

Q Did you say you were a deputy marshal at Fort Smith? A I was deputy marshal of the United States Court.

Q How long? A Five or six years.

Q When was that? A I was one of the posse in '68 and '9 under a man named Messler, and then I got a commission in '69 or '70; I had a commission until '75, I think it was, under the different marshals there. I had a special commission in 1868 from White; that was the first commission I had.

Q Now, do you know anything about a farm that went by the name of the Sheppard farm that Vann bought in sixty some time? A I know the Sheppard farm; I don't know that he bought it.

Q Will you swear that he didn't buy it? A It wasn't owned by anybody but the Sheppard's then. I think it was owned by some of the Bell's; I know the Sheppard place.

Q You don't know about the fact that he bought that place in sixty some time? A I don't know. I was within a mile of the Sheppard's place. I never heard of him owning that place; he lived three or four miles in the bottom.

Q You are living at Muldrow now, are you? A Yes sir.

Q You know who owns that Sheppard farm now? A I believe it belongs to Payne Brothers, I think it does; I am not certain.

Q Who did they buy it from? A I don't know.

Q Don't you know they bought it from George W. Vann? A No sir, I don't know that; they bought a place further back before that they bought from him; I know they got one place from him; they bought it back from Sheppard.

Q I understand that you swear that at that time for years and years you knew every nigger in that country down there? A In that bottom I did.

Q No matter whether he only stayed a month or two? A There wasn't any stray darkies come over; they were afraid, you couldn't hire them to come over; you couldn't hire a whiteman to come over there.

Q Were they afraid of you? A No sir.

Q Did you ever kill any of them? A No sir.

Joseph Bruner, being sworn and examined by Commissioner Beckinridge, testified as follows:

Q Give me your full name. A Joseph Bruner.

Q How old are you? A I am going on 65.

Q What is your postoffice? A Bengo.

Q In what district do you live? A Sequoyah.

Examined by W. W. Hastings, Cherokee Representative-

Q Mr. Bruner, when you were first old enough to remember where did you reside? A In Canadian District.

Q With whom did you live then? A Joe Vann. And his wife Jennie.

Q Joe Vann? A Yes sir.

Q Is he the same Joe Vann that was known as Rich Joe Vann? A Yes sir.

Q The one that was blown up on the steamboat? A Yes, sir, blown up on the steamboat.

Q Did he have a son named Jim Vann? A Yes sir, the oldest child.

Q Did you know the family well? A Yes sir, all of them.

Q Name some of the rest of Joe Vann's children? A John, Mary, Webster, Jane and Dee and Henry was one woman's children; that was Jennie's children.

Q Do you know Jim Vann well? A Yes sir.

Q Did he have a wife? A Yes sir.

Q What was her name? A Armintha Ross.

Q Did they have children? A Yes sir.

Q What was their names? A Fanny Vann.

Q Who did she marry? A Florein Nash.

Q This merchant here in town? A Yes sir.

Q You knew the family well? A Yes sir.

Q Did you know the colored people that belonged to the Vann family? A Yes sir; that is I knew they went off the place the time the slaves was divided, and I knew three that was turned over to them, a man and his wife and a nurse girl of Ross.

Q Did old Joe Vann have a slave by the name of George Vann? A Yes sir, he had one by the name of George.

Q Now, did he have more than one by the name of George? A Not no more than one.

Q Now, I believe you say you knew Joe Vann when he died? A I did.

Q To whom did this slave <sup>George</sup> descend? A Delilah Vann when the slaves was divided; she drew him.

Q Do you know what Delilah Vann's name is now? A She married Perry Brewer.

Q She is alive now in Canadian District? A Yes sir.

Q Did Jim Vann have a slave by the name of George Vann after his father's death? A Not that I ever knew or seen of.

Q Now, what became of this George Vann that once belonged to old Joe Vann and descended to Delilah Vann now Brewer? A He got drowned at Fort Scott; I pulled him out of the river with a hook; I was the first man that put his hand on him; he is buried on the side of the Marmatau River.

Q Where was that? A Near Fort Scott. That was along in the spring of 183, if I ~~am~~ am not mistaken.

Q During the war? A Yes sir, during the war. He had been to see his wife, Malinda Whitmire; she lived on Mill Creek.

Q You knew his wife? A Yes sir.

Q Did this George Vann have a brother named Daniel Vann? A Yes sir, and one child named Jim.

Q Did you know Ben Johnson that used to live near Fort Smith? A I knew him.

Q Did you know his children? A Yes sir.

Q Did you know his slaves? A I knew all the young boys and one man they calld Mose and a woman they calld Dennis Bean's mother now.

Q Do you remember her name? A Elsie.

Q Was she one of Ben Johnson's slave? A Yes sir.

Q Is she alive? A Yes sir.

Q Where does she live? A On the edge of the prairie in Sequoyah.

Q Do you know this applicant who goes by the name of George Vann? A Yes sir.

Q How long have you known him? A Right at fifteen years; maybe a little over.

Q Did you know him before the war? A No sir.

Q Did he at the time of Joe Vann's death belong to him? A No sir.

Q Did he belong to Jim Vann before the war? A No sir.

Q Was he in the custody or working for Ben Johnson before -?

A I never saw him on Ben Johnson's place.

Q You knew Jim Vann's colored people? A No sir, he didn't belong to Jim Vann; I knew them.

Q You know whether or not Jim Vann ever lived in Fort Gibson here before the war? A No sir, he never lived here.

Q Where did he live? A Webbers Falls and Park Hill in Canadian



District.

Q Webbers Falls is below here? A Yes sir.  
Q And Park Hill near Tahlequah? A Yes sir.

Examined by J. P. Faulk, Attorney for Applicant:

Q You say you knew old Joe Vann who was blown up on the steamboat?  
A Yes sir, that was my master from Tennessee.  
Q He was a rich man, was he? A Yes sir, so called.  
Q He had from two to four hundred slaves? A No sir, never was asserted that way.  
Q Can you tell me exactly how many slaves he had? A No sir, not exactly.  
Q Can you swear positively that he didn't have two hundred slaves at least? A Yes sir, and only the truth.  
Q Did you count them? A No sir, I never counted them.  
Q How do you know? A I knew the families of the old folks.  
Q Well, he had over one hundred slaves? A Yes, he had over a hundred.  
Q And may be two hundred? A No sir, I want say two hundred.  
Q You can't swear he didn't have two hundred? A He didn't have two hundred.  
Q Did he have 175? A He never had in the neighborhood of 175, back this side of it.  
Q Can you swear he didn't have 175? A I knew the families.  
Q I didn't ask you that, didn't Joe Vann own 175? A He might have had; he had two places. I would rather think he didn't have them.  
Q But you will safely say he had 125 or 150? A I would safely say 150 or a great deal smaller.  
Q And he had two places did he? A Yes sir.  
Q How far were they apart? A Between three and two and a half miles apart.  
Q Your name is Joe? A Yes sir.  
Q Didn't he only have one man by the name of Joe, or did he have several Joe's? A He had several Joes; I know them all.  
Q Name them over? A One an African man was named Joe.  
Q Joe what? A Joe Vann they might have called him; that is the slaves went by the master's name.  
Q Go on? A And then he had a grandson by the name of Joe, Betty's son, and myself.  
Q Just the three? A Yes sir.  
Q How many Johns did he have? A One John.  
Q Just the one John? A Yes sir, just one John.  
Q Are you sure? A There was a John and a Johnson.  
Q Only one John? A Yes sir, only one John; his son John and a colored man John.  
Q There were two? A One John as a slave.  
Q How many Sams did he have? A Two Sams.  
Q How many Henrys? A He had two Henrys with his son his child.  
Q Then he only had one Henry? A Yes sir, that is all I ever saw.  
Q How many Bills or Williams did he have? A He had one.  
Q Just the one? You swear to that? A Of course, I am swearing to that.  
Q Now, you ~~had~~ got three ~~Johns~~, Joes, one John, two Sams and one Henry and one William? A Yes sir.  
Q That is eight? A Yes sir.  
Q Give me the names of all the others he had? A I told you I could tell the families; but as for the others,--I could tell the families.  
Q Can you give me the names of any others he owned? A Yes sir.  
Q How many can you give me? A I expect I can give you fifteen or twenty of the old folks.  
Q Can't you give me anymore than fifteen or twenty? A I can give you the heads of the families.  
Q Well, now, they had three Joes and only one George, you will swear to that? A Yes sir.  
Q Out of 150, he only had one George? A That is all the George he ever had on the place.

- Q Are you sure of that? A That is all.
- Q On both places? A He never had any George on Pally's place.
- Q You know Sheep George? A Never was there.
- Q Wasn't he called Horse George? A He was a race rider; they called him George.
- Q Didn't you know Hog George? A He wasn't there; I never heard it.
- Q Did you know Sheep John? A I never saw Sheep John; I knowed him, but he wasn't there.
- Q How many Jims were there? A There were two Jims.
- Q Were there any Dicks? A Yes, there was one Dick there.
- Q Just the one? A That is all I know; that was a nickname.
- Q And this George Vann that you knew was drowned? A He was drowned.
- Q And you pulled him out? A Yes sir.
- Q Did you see him go in? A I didn't see him go in the river; I pulled him out. I was out at the Diamond Hotel working as a porter and they told me he was drowned.
- Q And you buried him six feet under the ground? A I don't know; I never measured the distance; I knew he was buried.
- Q Now, your citizenship is disputed, isn't it? A That's what they said it was.
- Q Your name is not on the 1888 roll? A No sir.
- Q But you claim it ought to have been? A It ought to be on all the rolls.
- Q You are trying to get on the rolls now? A That's what I come here for.
- Q Well now, you were arrested down here at Fort Smith for peddling whiskey or having whiskey? A Of course, I was; I don't deny that.
- Q On the Bank of the River? A I wasn't arrested on the bank of the river.
- Q Well, where? A If anybody knows where, let them say.
- Q I have a right to ask you where? A On the Sand bar.
- Q Who was with you? A By myself.
- Q Wasn't there a George Vann with you when you were arrested? A No sir, George is dead and buried down there at Port Scott.
- Q Well, you went on a scout didn't you, you went away after your arrest? A I stayed around, from the territory back and forward; I want to Kansas.
- Q Stayed five or six years in Kansas? A No sir, I didn't.
- Q Wasn't that the reason they wouldn't enroll you? A No sir, they enrolled me before - I was enrolled before Wallace; that was the first chance the people had to be enrolled by; Wallace enrolled me.
- Q You broke jail at that time? A Yes sir, I got out of jail.
- Q At Van Buren? A Yes sir.
- Q They never did get you again? A I come to the nation, they never did get me on the whiskey.
- Q They let you go? A Yes sir.
- Q You were arrested again, weren't you? A Where at?
- Q Not long ago? A Yes sir.
- Q And you were charged with perjury? A Yes sir.
- Q Tried before the Commissioner; the Commissioner had an investigation over it? A Yes sir, at Ballisaw.
- Q And you were sent to Muskogee to await the action of the grand jury at Vagoner? A Yes sir, they turned me loose.
- Q And the grand jury ignored the bill? A They turned me loose; I don't know what they done.
- Q You swore you were a witness in the trial of Alcock Martin charged with murder? A Yes sir.
- Q And you swore that Alcock Martin was at home the night of the murder? A Yes sir.
- Q And that was the reason they had you charged in the trial with perjury? A Yes sir.
- Q And that is the reason they convicted you? A No sir, they didn't.
- Q How is it that your name is Joe Brewer and not Joe Vann? A Joe Brewer is my father and Joe Vann is not my father.
- Q Is your name Joe Bright? A No sir.
- Q Did you ever go by that name? A I never was father's name.

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Examined by V. V. Hastings, Cherokee Representative.

Q. I believe you say the grand jury discharged you on the perjury charge? A. I never went before them; they came to the door and told me to go on home.

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

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

  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 29, 1901.

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

Additional testimony.

Annie Green, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Annie Green.  
Q How old are you? A I don't know my age exactly, but I think I am about 36 years old.  
Q What is your post office? A Braggs.  
Q Have you lived in the Cherokee Nation all your life? A No, sir.  
Q How long have you lived in the Cherokee Nation? A About nine

years.  
Q You want to give some testimony in the application of George W. Vann, do you? A Yes, sir.

By W.V. Hastings, attorney for Cherokee Nation: We summoned her here for that purpose.

Q You are married now? A Yes, sir.  
Q What was your maiden name? A My maiden name was Annie Price.  
Q Where were you born? A I don't know, sir where I was born.  
Q When you were old enough to first remember, where did you then live? A At Little Rock; well, in Argenta then, but it is called North Little Rock now.

Q It is across the river? A Yes, sir, in Argenta.  
Q How long did you live at Argenta? A I lived there up until 14 years ago.

Q Were you married there? A Yes, sir.  
Q With whom did you live before you were married? A My mother.  
Q What was your mother's name? A Mandy Yarbrough.  
Q What was your father's name? A Moss Price.  
Q Is your father dead? A Yes, sir, that is what I was told, I haven't seen him.

Q You didn't know your father? A No, sir.  
Q Your mother, is she living? A Yes, sir.  
Q Where does she live now? A She lives in Argenta.  
Q Where she used to live before you left there? A Yes, sir, right at the same place.

Q Do you know this colored man here, who goes by the name of George W. Vann, the applicant? A I get acquainted with that name 14 years ago by the name of Vann.

Q Do you know the man now? A Yes, sir.  
Q I don't care about the name; you knew the man, do you? A Yes, sir, I know the man.

Q How long have you known him? A Ever since I can recollect.  
Q Mrs. Green, where did you know him? A In Argenta.  
Q What name did he go by there? A George Mahany.  
Q Did he live there? A Yes, sir.  
Q How far did you live from him? A Well, about the space of this building I reckon, might have been a little over.

Q Was there a house between your house and his? A No, sir, there was a vacant lot.

Q Some vacant lots of about this distance? A Yes, sir, might have been a little larger, and might not have been as much, but that is as near as I recollect.

Q It was a short distance of vacant space between your house and his; his house was the next house? A Yes, sir.

Q He was living there when you can first remember? A Yes, sir.  
Q And you were living there when you can first remember, although you don't know where you were born? A No, sir.

Q Do you know this man, the applicant's, family? A Yes, sir.  
Q Did he have a wife there? A Yes, sir.  
Q What was her name? A Mary Jane.

Q He had some children, did he? A Yes, sir.  
By W.V. Hastings, attorney for applicants: If you have any other witnesses, I would call them the witness addressed.

Mr. Hastings: We might have some other witnesses on the stand, but not on this point. We might call Mr. Bowers and Bruner.

Commissioner: You two will go outside.

Questions by Mr. Hastings: Did you know his family well? A Yes, sir.

Q Now how long did you know the applicant George W. Vann, or George McKamy, there in Argenta, up until about when? A Well, as near as I can come at it, about two or three years, might have been three or four years, before I married, and I was married in 1870.

Q And you knew him from the time you can first remember up until a short time before you were married? A Yes, sir.

Q Did he live there at that same place all this time? A Yes, sir, lived there till he left there.

Q Lived there till he left there? A Yes, sir.

Q Were you intimately acquainted with the family? A Yes, sir.

Q What did the applicant, Mr. Vann or Mr. McKamy, do down there in Little Rock? A What, you mean his occupation?

Q Yes, what was his occupation? A He was a Justice of the Peace, that is what they called it, I don't know what sort of office it is.

Q He held that office? A Yes, sir.

Q About how many years, Mrs. Green, ~~did you know him~~ do you think you can be certain in saying you knew him? A Maybe about 25 years, or 26.

Q About, I mean up until the time he left? A I don't know, I don't recollect how long it was.

Q You mean now that you have known him for 25 or 26 years? A Yes, sir.

Q I mean that you knew him in Arkansas; did you know him so much as ten years? A No, sir, I don't think I knew him that long.

Q About how many years ~~do~~ do you think you could be save in saying you knew him? A You mean before I left there?

Q Before he left? A About ten years, yes I guess it was that long, maybe longer.

Q And he lived you say, right near you in Argenta? A Yes, sir.

Q You are certain this is the man? A Yes, sir, I know him.

Q You have talked with him since you have moved to this country?

A Yes, sir.

Q What name did you address him by then? A Mr. McKamy.

Q Did he acknowledge that that was his name? A No, sir, he denied his name.

Q Said that wasn't his name? A Yes, sir.

Q You know this is the same man here? A Yes, sir, that is the same man.

A No doubt about that? A No, sir, that is the same man.

Q Did you know his children out there in Argenta? A Yes, sir.

Q What was his oldest child named? A I think his oldest child was named Nowt, a boy.

Q Did he have another one? A Yes, sir, Jim.

Q Did he have another one? A Mary Jane.

Q That a girl? A Yes, sir.

Q Did he have any more children? A Yes, sir he had one named Alice.

Q Did he have any more? A One named Wash.

Q You grew up with these children? A Yes, sir, went to school with them.

Q You knew this old man intimately? A Yes, sir, of course I know him, he has whipped me lots of times.

Q And you have met him here and talked with him since you have been in this country? A Yes, sir.

Q You have known him since you have been here, have you? A Yes, sir.

Q I believe you say that he lived there until some two or three years, to the best of your knowledge, before you were married, and you were married in 1870? A Yes, sir.

Q You say that man as far back as you can remember was living there on the adjoining place near you in town? A Yes, sir.

Q Is there a man by the name of Caldwell down at Post Office?

A Yes, sir, Walter Caldwell.

George W. Vann - 3

Q Did he know Vann? A Yes, sir.  
 Q Is he a colored man or a white man?  
 A He is a white man.  
 Q Did he live there at the same time that Vann lived there?  
 A Yes, sir.  
 Q Did he live at Argenta? A Yes, sir.  
 Q This man is now in the jail, is he not?  
 A He will know and remember about that.  
 Q And your other friend at the same place, was he not  
 at the same place?  
 A Yes, sir.  
 Q Mr. Scales: You say your friend who was with Vann at  
 Argenta, I don't know who it is, I don't know his name.  
 Q Do you remember the name?  
 A Yes, sir.  
 Q How long have you lived in this country?  
 A I came to this nation here you know, in 1887, in  
 1887, nine years? A I lived at Argenta about a year and a half in  
 Argenta three years.

Q Where did you live before that?  
 A I lived in Argenta.  
 Q When did you go to Argenta with Vann?  
 A I believe that is when it was, I don't know.  
 Q You went to live in Argenta with Vann?  
 A And how long did you live there?  
 A He lived 14 years there, the time I was there.  
 Q Where is he now?  
 A I don't know.  
 Q Where did you live before the time you lived in Argenta?  
 A I lived in Argenta.  
 Q When did you leave Argenta?  
 A I don't know.  
 Q Did you live in Argenta?  
 A Yes, sir.  
 Q How long did you live in Argenta?  
 A I lived in Argenta for 14 years.  
 Q Where did you go to then?  
 A I stayed in Argenta.  
 Q How long did you live in Argenta?  
 A I lived in Argenta for 14 years.  
 Q What year is that?  
 A That is 1887.  
 Q It was 1887, the payment, wasn't it?  
 A Yes, sir.  
 Q Commissioner: Do you know the name of the man who was  
 with Vann, I believe I lived in Argenta.  
 Q Mr. Scales: I asked you when you saw Vann, in Argenta, in  
 1887, was that right?  
 A Yes, sir.  
 Q In 1887, was that right?  
 A Yes, sir.  
 Q Was he there in 1887?  
 A I don't know.  
 Q Was he there in 1887?  
 A I don't know.  
 Q Was he there in 1887?  
 A I don't know.  
 Q He had left there before 1887?  
 A Yes, sir.  
 Q How long had he been there?  
 A I don't know.  
 Q Just came back for his family?  
 A Yes, sir.  
 Q And took them away?  
 A Yes, sir.  
 Q And that was before 1887?  
 A Yes, sir.  
 Q What year he left there, I don't know.  
 Q I don't remember what year it was.  
 Q You don't know who he left there?  
 A I don't know.  
 Q You don't know when he came there?  
 A I don't know.  
 Q You don't know when he left there?  
 A I don't know.  
 Q You don't know when he came there?  
 A I don't know.

George V. Vann - 4.

Q You can't say he was there in 1878, can you? A He was there before I married.

Q Can you say George V. Vann was living in Argenta in 1878? A I don't recollect, but I can point you the people can tell you what year he left there.

Q I am not asking you about what other people say? A I know the year I married he was gone away from there a good while before I married, I never kept no account of it because I was a child and they didn't allow me to meddle with old peoples' business.

Q You think you were married in 1879, do you? A Yes, sir.

Q How old were you when you were married? A I guess I was about 14 years old, they say.

Q You say that this George V. Vann that you know over there was a Justice of the Peace? A I didn't know any Vann over there.

Q This man McKary that you know over there? A That is what he was, Justice of the Peace.

Q And he officiated there as a Justice of the Peace, acted as a Justice of the Peace? A Yes, sir.

Q Tried cases? A Yes, sir, tried cases.

Q Were you ever tried before him? A No, sir.

Q Any of your kin people? A No, sir.

Q Where did he have his office? A Down on the river, near the mouth with bridge, the Post Smith and Little Rock bridge is now.

Q Were you ever in this court that he held as a Justice of the Peace? A No, sir.

Q How long did he hold that position as Justice of the Peace?

Q I don't recollect how long he held it, I don't know.

Q Two months? A I don't know.

Q During all the time that he was there he held this position of Justice of the Peace? A I don't know whether he held that office all of the time he was there or not.

Q Do you know whether he was a constable there or not? A He had a constable named George Skins.

Q Was he ever a constable? A No, sir, he tried people, his constable arrested them.

Q And he went from there a long, long time before you got married?

Q I don't know how long.

Q How long that you remember you can't remember? A I don't know how long it was, it was a good while, I recollect when he left but I don't know what year it was.

Q It was a long while before you got married that he left there?

Q I don't know, two or three or three or four years.

Q Or ten years? A I don't know, I am not going to say it was ten years because I don't know.

Q And you don't know how long he officiated lived there and acted as Justice of the Peace? A No, sir.

Q How long? A No, sir.

Q Do you know what day of the month the 4th of July falls on?

Q What day of the month?

Q Yes, A It falls on the 4th.

Q Do you know what day of the month Christmas is on? A The 25th.

Mr. J. V. Paragant, attorney for the Cherokee Nation: I think, if the Court please, we should confine ourselves to the facts in this case, and I object to that manner of the testimony.

Objection overruled: It is quite apparent that the witness remembers events not exactly by the calendar, but she remembers certain leading events and her method is, so long after certain leading events, and she is quite an intelligent witness in her way, but this is a method you are inquiring about that she apparently does not possess in her system of recollection, that is not the method that she has shown here at all.

Q Is your husband still living? A The one I married in 1879, he is dead.

George W. Vann - 5.

- Q You have been married since that? A Yes, sir.
- Q When were you married the second time? A In 1887.
- Q Where were you married? A Fort Smith.
- Q How long had you lived there before you were married this second time? A I had just moved there, came there and married.
- Q What makes you think you are 36 years of age; is your name in the family bible? A No, sir, I said as near as I can come at it; I don't know my age exactly.
- Q You don't know your age; that is what your mother told you I suppose? Did you say how old you were when you first married? A I think I was 14 years old, going on 14.
- Q Now what were you doing the first time you ever saw this man McKamy? A What was I doing.
- Q Yes. A Playing around the yard I guess.
- Q Just a little bit of a tot? A Yes, sir, it was the first of my recollections about him; he knew me before I knew myself, but the first kin of my recollection I used to play with his children and go to his house and we children would get to fighting and he would whip us; I am not recollecting him from his whipping.
- Q Sometimes he would take you on his knee? A Yes, sir, lots of times, he took me across his lap and gave me a good whipping.
- Q You parted there pretty good friends, didn't you? A Yes, sir, I am not any enemy to him now; I have got nothing against him.
- Q Along about the time he left there he was in the habit of whipping you and putting you on his knee? A No, sir, he didn't play with me then.
- Q That is all that he ever did there in Fort Smith, was to act as Justice of the Peace? A To my knowledge, that is all.
- Q As long as you knew him there you understood that is what he did, acting as Justice of the Peace? A Yes, sir.
- Q I mean Argenta, as long as you knew him there he was filling this position? A Yes, sir.
- Q You don't know how long he filled that position? A No, sir, I don't.
- Mr. Hastings: I believe you stated that you came up to Fort Smith in about the year 1887? A Yes, sir.
- Q You were married in about 1879? A Yes, sir.
- Q Those are dates that you remember? A Yes, sir.
- Q I believe you state that you knew Mr. Vann from the time you came remember, within two or three years of your first marriage? A Yes, sir.
- Q And that was in Argenta, Arkansas? A Yes, sir.
- Mr. Paulds: You have already sworn that it was a long time before that first marriage that he left there and you saw him no more; are you going to take that back? A I didn't say I didn't see him, you didn't ask me did I see him, you asked me did I know him.
- Mr. Hastings: Do you know his wife, Mary Jane's, mother? A Yes, sir.
- Q What was her name? A Sallie.
- Q Was she living down there? A Yes, sir.
- Mr. Paulds: When did you first know this woman you have just spoken of? A Mary Jane Vann's mother?
- Q Yes, when did you first know her? A Ever since I can recollect her.
- Q When is the last time you saw her? A It has been about 17 years.

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 1st day of April, 1901.

*Bruce C. Jones*  
Commissioner.



SUPPLEMENTAL TESTIMONY.  
P.-D.#115.

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  
GEORGE W. VANN, et al., as Cherokee Freedmen:

HARRISON ARBAUGH appears as a witness in the case of  
George W. Vann, et al., D. #115; present, George W. Vann and  
Attorney, and also the Attorney for the Cherokee Nation.

Said Arbaugh being sworn and examined by Commissioner  
C. R. Breckinridge, testified as follows:

- Q What is your name? A Harrison Arbaugh.  
Q How old are you? A I was born in '34.  
Q What is your post office? A Muldrow.

EXAMINATION CONTINUED BY JOHN F. FAULDS, Attorney for Applicants

- Q Where have you lived since the war with the Confederacy? A I  
have lived principally in Crawford County, in the State of Arkansas.  
Q How far would that be from Fort Smith? A It is called about 15  
miles.  
Q Have you ever lived in the Cherokee Nation? A Yes, sir.  
Q Whereabouts? A I have been living in the Cherokee Nation a  
short time; I have only lived in there about 14 years.  
Q Do you know the applicant, George W. Vann? A Yes, sir.  
Q When did you first know him? A Shortly after I was mustered  
out of the service; I was mustered out in the eastern part of Ark-  
ansas in the spring season and came that fall to Fort Smith to see  
my Ma, she lived in Fort Smith.  
Q What year was that in? A That was in '86.  
Q Did you see George Vann at that time, and if so, where? A My  
mother lived in Fort Smith and I came to Fort Smith and there I saw  
him.  
Q Do you know where he was living then? A He lived somewhere  
across the River in the Nation, I don't know where.  
Q In the Cherokee Nation? A In the Cherokee Nation.  
Q In 1866? A In 1866.  
Q Well, now, do you know where he has lived since 1866 up to the  
present time; has he lived in the Cherokee Nation? A He has been  
in the Cherokee Nation and in this Territory, one place and another,  
I could not tell where all; this is his home as far as I know.  
Q You have seen him off and on during the whole of that time, have  
you? A Yes, sir.  
Q Now, you were a non-commissioned officer in the army were not you?  
A Yes, sir.  
Q Did you hold some official position in Fort Smith? A I came  
there two or three times a deputy under officers, three or four  
times, four or five times.  
Q You have been constable have you? A I have served under Deputy  
Cheriff.  
Q How long? A Oh, just two or three times in the case of catch-  
ing a bad fellow.  
Q Do you know anything about George W. Vann being a Constable in  
Argenta, Arkansas, for a short time? A Well, about, a short time  
after the war, I went there, can't say, I am not going to say, but a  
short time after the war I went to see a soldier of mine that I  
served with in Little Rock and it was just about the time there was  
a big disturbance down there and about that time I saw George Vann  
and he was a Peace officer, something of this kind on this side of  
Argenta.  
Q That was in the time of the Brooks and Baxter? A Yes, sir;  
there was a disturbance and they wanted me to sign and I would not  
do it.

BY W. W. HASTINGS, Cherokee Representative:

Q Where did you say you lived now? A Muldrew.

Q How long have you lived there? A I have lived at Muldrew and near there 14 years.

Q Where did you come from when you come to Muldrew? A I come from Arkansas, Crawford County.

Q How long did you live in Crawford County? A I lived in Crawford County since the war.

Q Is that the County east of Sebastian? A That is the County Van Buren is in.

Q North of Sebastian? A Yes, sir.

Q And about how far North of Fort Smith did you live? A About 15 miles.

Q You never saw George Vann until after the war? A I saw him as I stated a while ago in 1866.

Q That was after the war? A Yes, sir, after I was mustered out.

Q And you saw him in Fort Smith at that time? A I saw him in Fort Smith.

Q Well, what were you doing there then? A As I aforesaid a while ago I come to see my mother, she was in Fort Smith.

Q Well, how long did you remain there at that time? A I remained there off and on six or seven days.

Q You saw this George Vann at that time? A I saw him then.

Q You recognized him now as the same fellow? A As the same George Vann.

Q He went by the name of George Vann then? A He was George Vann then and has been ever since.

Q And he always went by the name of Vann? A As far as I know.

Q You saw him down at Argenta? A Yes, sir.

Q He was Constable? A He was an officer.

Q You recognized him then? A Yes, sir.

Q He went then by the name of George Vann? A Yes, sir.

Q All the time? A Yes, sir.

Q You never heard of him going by any other name except George Vann? A Never did.

Q How long did you see him in Argenta; how many days were you there?

A I ~~was~~ saw him several days; I saw him about twice or three times when I was there.

Q How many days did you see him in 1866 when you were there on that trip to see your mother? A I could not tell you, I was here for six or seven days and I saw him off and on all the time when I was there.

Q Is there anything to impress that upon your mind and make you remember seeing him at that time? A Well I suppose there would be, the fact we drank together.

Q He was not a preacher then? A Not that I knew of.

Q Didn't you know of his preaching out around the country?

(No response.)

Q Did you hear of his preaching out on this side at that time?

A On about the second term of Judge Parker's jurisdiction in Fort Smith I was on the Grand Jury and Mr. George Vann came out of the Choctaw Nation somewhere, maybe from Scullville, with about five persons, he came there with the Marshalls.

Q Well, tell about the preaching, did you hear about him preaching?

A To Fort Smith; they had disturbed him somewhere where he was holding a prearranged meeting and he was a witness against them there in the Court in regard to this trouble they had raised; he was holding a prearranged meeting.

Q You remember him in 1866, because you drank with him? A Yes, sir.

Q Do you remember every fellow you drank with down there in Fort Smith? A That is too big a mouth full.

Q Well, do you remember every one? A I could not tell you.

Q That is the only thing that impresses it upon your mind that he was there at that time? A I was there and saw him.

Q Did you never see him ever here in the Nation until about 15 years ago, until you moved home? A I saw him over in Fort Smith, I would be in Fort Smith and I would see him across there.

Q Where would he cross? A At the bridge.

Q You would see him get in the boat and come across; when did you see him do that? A I saw him doing that in 1866, and I have seen him doing that oftentimes since.

BY JOHN F. PAULDS:

Q You were a soldier during the war you saw; now, were you at any time during the war at Fort Smith in the capacity of a soldier?

A I enlisted at Fort Smith.

Q Did you ever drink with him there in Fort Smith during the war, did he ever give you liquor or sell you liquor or anything of that kind that you remember? A I have a faint recollection of that, but I won't swear it.

Q You knew you drank with him there in 1866 shortly after you were mustered out? A I know that.

Q Now, when you saw him in Argenta, how many times did you see him there in Argenta? A Several times, when I was there.

Q He may have been going by the name of McKamy without you knowing it?

(Attorney for Cherokee Nation objects to this question.)

Q I will ask you this question, will you swear that he was not called McKamy?

(Attorney for Cherokee Nation objects to this question.)

A I don't know it, sir; if he went by any other name, sir, I don't know it.

BY W. W. HASTINGS:

Q You know him by the name of Vann? A Yes, sir; he was in and out of the Nation to Fort Smith, and backwards and forwards.

W. W. HASTINGS: I want to introduce at this time the records of the Commission to the Five Civilized Tribes as shown in Docket "A" page 44, No. 257, containing the following:

"George W. Vann, et al.,

vs.

Cherokee Nation.

Filed September 7th, 1896. Answer

filed. Application denied."

Reference is made to the application of George W. Vann in the case above referred to, No. 257.

GEORGE W. VANN, having been sworn, testified as follows:

EXAMINATION BY W. W. HASTINGS:

Q Have you a son by the name of James? A Yes, sir.

Q Newton? A Yes, sir.

Q Daughter by the name of Mary Jane? A Yes, sir.

Q One went by the name of John Jones? A No, sir; Jim Jones.

Q and one by John Lee? A Yes, sir.

Q And son by the name of Richard? A Yes, sir, that's my son.

Q Have you got a son by the name of John Vann? A Yes, sir.

Q Harrison? A Yes, sir.

Q And daughter by the name of Jane? A Yes, sir, Janie I call her.

BY COMMISSIONER BROCKBRIDGE:

Q You made application to the Dawes Commission in 1896 in the case referred to for yourself and family? A I think I did, I won't be certain, it seems to me that I did in 1896.

Q 1896, four years ago? A Yes, sir; I think I did.

Q You were trying your rights as a Cherokee by blood? A Yes, sir.

Q Who were your lawyers? A Seems to me like J. P. Mallens, I want be sure; that is my recollection.

BY JOHN F. FAULDS:

Q Now, Mr. Vann, you applied to be enrolled before the Kerns-Clifften Commission? A Yes, sir, was enrolled.

Q Now, at the trial of your application at that time did they, did the Cherokee Nation by their attorneys plead that your case had already been disposed of in 1878 on an application by you before the Chambers Court? A Yes, sir.

Q What I want to know, Mr. Vann, is this; if they didn't plead before this Kerns-Clifften Commission that you had already applied before this Chambers Commission, you understand away back in '78 or '80, and that you had been denied citizenship? A He (referring to Mr. W. W. Hastings) pled that.

Q And the case was tried? A Yes, sir.

Q And the case was decided in your favor? A Yes, sir.

Q And you were enrolled? A Yes, sir.

Q And you were enrolled? A Yes, sir, paid me the money.

JOHN F. FAULDS: Now came the Defendant, George Vann by his Attorney, J. F. Faulds and enters a plea of ~~res~~ res-adjudicata in this case, on the ground that the matter was fully gone into before the Kerns-Clifften Commission and the Cherokee Nation there pleaded that George W. Vann had, in 1878, appeared before the Chambers Commission to apply for citizenship as a Cherokee Freedman and had been denied, and the Defendant says that this issue was settled by the Kerns-Clifften Commission in his favor and that said decision now becomes resadjudicata and said decision of the Kerns-Clifften Commission ~~is~~ now becomes resadjudicata.

W. W. HASTINGS: Comes now the Cherokee Nation by its Attorneys and moves the Commission to enter judgment against the applicant, George W. Vann, for the reason that the records on file in the office of the Commission to the Five Civilized Tribes hereinabove referred to show that the said George W. Vann, for himself and family, applied to the Dawes Commission on September 7th, 1896, and the records show that said application was rejected in every particular, and that said judgment was the last judgment that has been rendered in this case, which was under the Act of June 10th, 1896, and that the Commission had jurisdiction over said case and that inasmuch as no appeal was taken from the decision of the Commission, that said decision of the Commission was final against the said George W. Vann and family and in favor of the Cherokee Nation.

COM'R BRECKINRIDGE: It has been claimed so far that the record of the Commission in the proceeding of 1896 related to an Application made by George W. Vann for himself and family for admission to Cherokee citizenship as Cherokees by blood.

GEORGE W. VANN, re-called, further testified:  
BY COMMISSIONER BRECKINRIDGE:

Q You claimed to have Cherokee blood in you as a matter of fact did you? A Yes, sir, Hartwell Houston and my mother are sisters; I am Cherokee by blood; my mother is half negro and Cherokee.

Q Your mother was half negro and half Cherokee? A Yes, sir.

Q What was her mother? A Her mother was a negro woman and her Master was John Brown, was her daddy, my grand-daddy, full blooded negro.

Q Was your mother a slave or free woman? A No, sir, she was a free woman; after her Master set her free two children was born, that was my mother and Hartwell Houston.

Q Your mother was free from a child? A Yes, sir.  
Q And lived and died a free woman? A She had to take old Joe Vann for a Master or put me up on the block to sell and she acknowledged him and they takes jurisdiction over me just like any other negro.  
Q Your mother was free born? A Yes, sir; that is how come me to apply as a free negro; they would not give it to me and I went back and they just made me to like these other negroes.  
Q You were born in Tennessee, were you? A Yes, sir.  
Q And when you left Tennessee you came to the Indian Territory?  
A Came right here with the Indians in '36.  
Q So that all your life you obtain two homes, one first in Tennessee and one afterwards in the Cherokee Nation, is that right?  
A Yes, sir.

BY JOHN F. FAULDS:

Q What was the color of your father? A My father was full blood African, Joshua McKamy told me that he come over here and mother was in Virginia and stayed here.  
Q Now, what part of you is Indian blood? A From my mother.  
Q She was half negro and half Cherokee Indian? A Yes, sir.

BY COMMISSIONER BRECKINRIDGE:

Q Your father was a slave was he? A No, sir; he come over here him and my grandfather on my father's side and six of them was stold and brought over here and they would not work; they said they would, well my father he didn't work and he would not do it and he went back to Africa.  
Q How old were you when your father went back to Africa?  
A About 18, I know well when he kissed me and my mother.

BY JOHN F. FAULDS:

Q Is there any white blood in you? A No, sir, there is Indian and negro.

---seeOOOsee---

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 4th day of May, 1901.

*C. R. Breckinridge*

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 30, 1901.

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

Supplemental testimony.

Appearances:

For applicant: John F. Faulds, Esq.:

For Nation: W. W. Hastings and James S. Davenport.

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Mr. Hastings: Let the record show that this witness is summoned on the part of the applicant, George W. Vann.

Mr. Faulds: This witness is recalled for the purpose of being cross examined on the part of the defendant; the witness is the witness for the Cherokee Nation; there is no question about that at all, that she can be called for cross examination with the permission of the Commission.

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Annie Green, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Mrs. Green, you have made application yourself to be enrolled as a Cherokee Freedman, haven't you? A Yes, sir.

Q When did you make that application? A The time that census was taken that year.

Q That was some three or four years ago? A Yes, sir.

Q What did you claim to be at that time? A My name was Annie Price.

Q Did you claim as a Freedman or as an Indian by blood? A I claimed it by my daddy.

Q Who was that? A Nese Price.

Q I will ask you if you didn't swear when you applied for enrollment that your father was Dan Roach, this old man on the 'hind seat?

A No, sir, never did.

Q I will ask you if you didn't swear when you applied for enrollment at that time that you had continuously resided in the Cherokee Nation ever since you were born? A No, sir, I said this; I said I was here in and out, and I went where I could get the best wages.

Q And didn't you swear that you had made this your home ever since you were born? A No, sir, I didn't.

Q You swore here yesterday that you had lived in Argenta nearly all your life? A Yes, sir, I said I had lived in Argenta.

Q Did you swear when you applied for enrollment that you had made the Cherokee Nation your home? A No, sir, I didn't, not altogether.

Q And didn't you go back after that and swear that your father was an Indian then? A I swore he was an Indian then, I saw that yet.

Q And you afterwards swore that your father was Dan Roach? A No, sir, I didn't, no, sir, never did.

Q Now you swore yesterday that you were married the first time in 1879? A Yes, sir, I was.

Q And you swear it now? A Yes, sir, I do.

Q I will ask you if you were not living in Argenta, Arkansas, somewhere in 1875 or 1876 and that you were married at that time and living with your husband? A I wasn't married till 1879.

Q You were living at that time with a man and holding him out as your husband? A No, sir, never lived with a man a day in my life until I married.

Q I will ask you if this man that I refer to wasn't shot through the door? A Are you trying me for the crime, or old man Vann; that is what I want to know? If you will ask me anything proper I will answer that; that is all over with and I don't think it is

called for.

Q You were charged there with having murdered your husband?

A Yes, sir, I murdered him in self defense and I was tried for it and I was acquitted by the Court.

Q But at the same time when you shot him you were in the room with your paramour; with another man? A No, sir.

Q You were in the room and he came there to see what you were doing and asked you to let him in and you wouldn't do it and you shot him through the door? A No, sir, that is not correct; they have got the record of it right there in Little Rock, and it don't claim any such thing.

Q Well, you shot him and killed him through the door? A He (indicating the applicant) couldn't have been there and here too, he said he has been here ever since 1866.

Q You had a man charged with raping your daughter over at Muskogee didn't you? A Well, have you got him on the docket too.

Mr. Davenport: I submit this is not proper in this case; I object to it as being improper; it is not cross examination, it does not refer to any matter that would affect this case.

Mr. Faulds: We have a right to show that she has been witnesses in all the Courts of the land.

Commissioner: You have a right to submit anything I think pertaining to the credibility of the witness.

Q -Did you have a man charged here with ravishing your daughter?

A Yes, sir, I had a man arrested.

Q And he was acquitted? A Yes, sir, I don't know what they done with him.

Q He was turned loose? A I haven't seen him, I heard he was sent to the pen. and then I heard he was acquitted.

Q Don't you know as a matter of fact that they didn't pay any attention to this charge you made and turned the man loose? A They paid attention to it enough to keep him in jail.

Q Why certainly, and you were kept in jail a long time on a charge of murder. A How long was I?

Q You know better than I do. A Well, you know so much about it maybe you know how long it was.

Q Isn't it a fact that the child you accused this man of ravishing was examined by a doctor and the doctor swore that the hymen was intact and that she had never been penetrated at all? A No, sir.

Q Didn't the doctor swear it? A No, sir, he didn't.

Q Well, you know he did, don't you? A No, sir.

Mr. Faulds: I will state here that I will object to you (addressing Mr. Hastings) and Mr. Davenport crossing the same witness.

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Leah Brewer, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Leah Brewer? What is your post office address? A Port Gibson.

Q How old are you? A I am about 34 I guess, maybe a little more.

Q Do you know Annie Green, who testified here a moment ago? A I know her, got acquainted with her down to the barracks.

Q Do you know whether or not she applies for enrollment here three or four or five years ago? A Yes, sir.

Q I will ask you if she didn't swear at that time that her home had always been here in the Cherokee Nation?

Mr. Hastings: I object to that, you haven't proved that this woman was present.

Q Were you here when she applied? A Yes, sir, I was here in Port Gibson.

Q Did you hear her give her evidence? A Yes, sir, I was here.

Q Didn't she swear on that occasion that she had always made her home in the Cherokee Nation? A I think she did.

Q Didn't she swear on that occasion that Dan Roach, this old gentleman sitting over here with the grey hair, that Dan Roach was her father? A She did say Dan Roach was her father, and then said another indian was her father.

Q And then swore that an indian was her father? A Yes, sir.

Q At a different time? A Yes, sir.

Q At one time she swore Dan Roach was her father? A She said Dan Roach was her father, and then she said an indian was her father, the indian was first, the indian was once and Dan Roach was once.

Q She claimed to be a Cherokee by blood? A No, she claimed once, and she claimed Freedman once; I don't know what it was.

Q She swore old Daniel was her father? A Yes, sir.

Mr. Hastings: Uncle George was a witness for her too at the same time, this man right here? A I don't know anything about that.

Q Were you present? A I heard her side.

Q Were you present when she testified? A I was.

Q Didn't George W. Vann, the applicant here, wasn't he one of her witnesses? A When she testified?

Q Yes, when she testified? A I didn't hear him testify.

Q Don't you know whether or not he was a witness? A I heard hers, I didn't hear his.

Q Answer yes or not; you didn't hear him? A No, sir, I heard him her and left there.

Q You didn't hear him? A No, sir, I didn't hear him, I just heard her testify.

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George W. Vann, recalled for additional cross examination, testified:

Mr. Hastings: Mr. Vann, do you know this witness, Annie Green, who has been a witness here against you? A I do.

Q You knew her in Little Rock, or Argenta? A In Argenta I knew her, knew her mother, her mother lives there.

Q Her mother lives there? A Or did.

Q You knew her for a number of years? A No, sir.

Q You lived there with only a short vacant space between you, didn't you? A Yes, about far as that house down there (indicating).

Q And you lived there about ten or 12 years right there by them?

A I did not.

Q And you kind left there about 1878? A I did not.

Q Was she an applicant for citizenship before the Kerns-Clifton Commission, this Annie Green? A Might have been.

Q And you were her witness? A I don't know, sir, don't know anything about it.

Q Are you willing to swear now you were not her witness? A Might have been.

Q Were you a witness? A I, am not going to try, I don't know whether I was or not; if you can, show it.

Q Were you or were you not? A I don't know, I don't recollect.

Q Do you know who her father was? A I knew that she has always said her father was an indian.

Q Well, what was his name? A I don't know.

Q What was her mother's name? A Yarbrough, was what they always called her.

Q How long have you known her mother? A About the same time I knowed her, first knowed them in Argenta.

Q How long ago? A I went there from here in the Brooks and Baxter war, and Powell Clayton came up and collected about thirty or fifty niggers to go into the Brooks and Baxter war, the two Governors was fighting, the Republican and Democratic, and I went there then.

Q How long did you remain there? A I remained there in the service at the barracks about two months, then George Hughes died



George W. Vann - 4.

right across in Argenta and I was appointed by Governor Hadley to fill out the time as constable and stayed there six months and I came here and a white man was elected for constable and I never was Justice of the Peace.

Q You live there about six months? A No, sir, I stayed there more, I stayed in the garrison about two months, and I got out and George Hughes, the constable died, and Governor Hadley appointed me constable until that time expired, and I stayed there six months and that made about eight months.

Q What is all you ever stayed in Argenta? A Yes, sir.

Q You didn't run for the office of constable and was elected?

A No, sir, never.

Q Did you see a man named Tom Alexander that I asked to step out of the room? A I don't know, the record can be shown at Little Rock.

Q You don't know this fellow Alexander that I spoke of, that stepped out of the room? A No, sir, I don't know who it is.

Q You haven't seen him here this morning? A No, sir, I haven't.

Q Tom Alexander, lived down in Sequoyah a while and has moved up to Tahlequah? A No, sir, I don't know him.

Q Didn't you swear who as this woman's father five years ago?

A Yarbrough.

Q Didn't you swear at that time that her father was named Dave Holt? A No, sir, I didn't do it, I might have said that is the way I understood it.

Q Didn't you swear you knew him? A Yes, sir, and do know Dave Holt.

Q Didn't you swear Dave Holt was her father, and he was an Indian?

A No, sir, I don't know he was her father.

Q Didn't you swear it five years ago? A No, sir, I didn't know it, how could I swear he was her father.

Q Did you swear she lived in the Bickle place? A No, sir, it was the Bell place.

Mr. Faulds: I object, as there is no intention of contradicting the witness; if you will say on your reputation as a lawyer that you expect to prove these facts, I will withdraw the objection.

Mr. Hastings: It is a question of the admissibility of testimony; yes, sir, I propose to prove it.

Q Didn't you swear then you knew her mother ever 50 or 55 years?

A No, sir, I didn't, because I didn't.

Q Didn't you swear that Dave Holt lived on Skin Bayou? A No, sir, I didn't, because he didn't live there, he lived in Sequoyah and not on Skin Bayou, he was living on Skin Bayou, but not on any of it.

Q Didn't you swear this woman was named Anderson before she married? A No, sir, Yarbrough was her name.

Q Do you not now swear whether or not you testified for her in 1898 before the Kerns-Clifton Commission?

Mr. Faulds: I object to this question, as it has already been asked.

A I don't know as I did, I don't remember.

Mr. Faulds: You were a constable you say for only six months in Argenta? A Yes.

Q You have heard the evidence of this witness that you resided there for a certain length of time; you say you resided there for only eight months? A I was there two months down there in the barracks, and orders came in of the blue coats the morning when we commenced fighting, and said if we didn't dispose of them arms we would be arrested.

Q You recollect about when you went there, to Argenta? A I do.

Q When? A I went there between 1874 and 1875.

Q And remained there eight months? A I remained in the garrison two months and then George Hughes died, a white man, in Argenta, and I was appointed constable.

Q Did you ever run for Justice of the Peace or not as Justice of the Peace

A Never in the world.

Q Now at the time you were living there was this woman married or living with a man whom she held out as her husband? A Yes, sir.

Q Right close to where you were living? A Yes, sir, and she swears she did to and I say so too.

Q This man she was living with as her husband was the man she killed? A Yes, sir.

Q And you arrested her for it? A Well, let me tell it just as it is: I lived right close to her, and there was a church right here and her husband got dressed up to go to church with me and two of my deputy constables, my deputies and me went on and she stopped, and said to him, I don't believe I will go, I don't feel well, and we got about a quarter of a mile, and he said 'McKamy, it is my notion there is something wrong at my house,' and I said, 'what is it,' and he said, I don't feel right, I am going back,' and I hear a gun fired, and I was a constable and had four white deputies under me and four niggers, and I broke back, and when I got back I heard a man groaning and her husband was lying at the door, and this woman was at the door and he could talk, and I asked him what is the matter, and he says 'I am shot.' and I asked him where is his wife, and he says in the house, and I broke the door and she and a man was in there with her; and I arrested her and arrested him, and I can prove it.

Q This man that was in there wasn't her husband? A No, sir, and I said, 'did you shoot that man,' and she says, 'I done it,' and I said 'well what did you do it for'; 'I thought it was a burglar,' and I says, 'You know your husband's voice;'; 'I thought it was a burglar, this man didn't shoot him, I shot him.' I arrested them both, took them before a white justice of the peace, she was bound over and stayed in jail I don't know how many days, and after a while a man, a lawyer, one of the first congress members there, she had a little money and he was working on the Cairo & Fulton iron works, she hired Will Terrell, the congress member, to defend her, and they worked on that case fully half a year and she got out, and I didn't see her again and I saw her in Fort Smith.

Q When was that? A That was in 1876, I saw her in Fort Smith, she was single, she married a negro there working in a wholesale store named Green, she is with now; she stayed there about a year and came over to Dr. Bell's place on this side the river and when she left there I never saw her until I saw her here now; and I never have acted as Justice of the Peace.

Mr. Hastings: Was this man a member of congress at that time, that lawyer, Will Terrell? A I don't know, but I know he has been since.

Q Was he then? A I tell you I don't know.

Q How did you come to leave Arkansas; you left there between the suns, didn't you? A No, sir, what did I leave there for?

Q Didn't your son get into trouble with a woman? A No, sir.

Q And didn't you shoot at her through a door? A No, sir, never.

Q You never shot at any woman? A Yes, I did.

Q Then you left too immediately? A No, I didn't, I stood my ground and came clear. I shot her, she busted a cap at my and run off and shot at me because her boy had went out in the field and tried to get my bow to let him plough a big horse of mine named Nig that nobody could go to him, and as soon as he got to him he goes after his mother, and she whipped him, Mollie ~~Phillips~~ is the woman there, and I came to the butcher pen and I was a constable, and her boy there when my boy says you can't plough him, he picked up a piece of brick and hit him, and she was up to the putcher shop and I shot her.

Q In what year were you tried? A I was tried in I think about sixty, about '76, I think that is about the time I was tried.

Q You stayed there until you were tried? A Yes, sir.

Q Was that up before court or was it before the grand jury? A No, sir, went before court and tried before a jury and came clear because she shot at me.

Q And the woman's name was Mollie Phillips? A Yes, sir, and I shot her.

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Q Was that tried in Armenta? A Yes, sir, and then when they went over into Little Rock before the Governor, or Judge, you might see him, Judge Butler, I was tried there and came clear.

Mr. Faulds: Now you were a constable at the time this shooting took place? A Yes, sir, she shot at me and broke a cap, and I jerked it out at the butcher pen and saw her and knew her and shot her in the groin, shot her right below the groin.

Q Did you kill her? A No, sir.

Charles Robinson, being duly sworn by Commissioner Needles, testified on behalf of applicant as follows:

Mr. Faulds: Mr. Robinson, how old are you? A I guess I'm about 58 years old.

Q What is your post office address? A I ain't got no post office.

Q Where does your wife get her mail? A The last mail she got, she got it over here to -- I don't know what is the name of the place out here on the road; that post office was burned down and she hasn't got any mail for a year.

Q You know Joe Bruner? A Yes, sir, I been knowing Joe Bruner for about two, three years.

Q Do you know his general reputation in the community where he lives for truth and veracity? A I know that it is not very good.

Commissioner: The question is do you know it; say yes or no.

~~XXXXXXXXXX~~ A Yes, sir, I know part of it.

Mr. Faulds: Didn't you say here before you knew his reputation? Let me explain; you live within two or three miles of him and I want to know --

A His reputation is bad down there.

Commissioner: Do you know his reputation? A Yes, sir, I know some of it.

Mr. Faulds: A man's reputation for truth and veracity consists in what people say of him, as to whether he is a truthful man or an untruthful man; now I ask you the question whether or not you are acquainted with his general reputation for truth and veracity in the community in which he lives? A Yes, sir, it is not good.

Q Answer yes or no? A No, it is not good.

Q Answer whether or not you know the reputation? A Yes, sir, I know it is not good.

Q Is it good or bad? A It is bad.

Mr. Hastings: He is a witness against your wife here in her application for enrollment? A I don't know the first time I ever saw him, I don't know whether he is or not.

Q Didn't you come up here to testify against something he testified in your wife's case? A I came to tell something he told a story about.

Q Was he a witness in your wife's case? A No, sir, he was a witness in my daughter's, and he said he didn't see her in the Nation and he tried to court her in the nation.

Q How do you know he said that? A Because my daughter told me he said so.

Q Then he must have been a witness in her case? A I said my daughter, you said my wife.

Q Who did you ever hear say Joe Bruner's reputation was bad? A Here is one witness right here.

Q Who, George Vann? A Yes, sir, I can get several more.

Q Well, who? A There is one out doors.

Q What is his name? A Tom Davis, old man Tom, that is his name.

Q When did you hear him say that? A I heard him say so dozens of times.

Q When was that? A I have heard him say so lots of times.

Q Well, name one day? A Lots of the rest of them will say so.

Q Who else did you hear say anything about it? A I can call the names of different men.

Q Well, name one of them? A Well, there is not over five or six.

Commissioner: You don't recall anybody. (No response.)

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Q This man is a witness against George Vann? A I don't know, sir, anything about that.

Q You heard Vann say so? A No, sir, I don't know what he said or nothing at all.

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Daniel Roach, being duly sworn by Commissioner Needles, testified as follows:

Mr. Paulds: Do you know Annie Green who testified here? A Yes, sir.

Q Was she your daughter? A No, sir.

Mr. Hastings: Did she ever claim to be your daughter? A Not true, she claimed to be a daughter of a Price, Mose Price was my master, now he is the man raised me.

Q She never claimed to be your daughter? A No, sir, she claimed Price.

Q Did she claim that five years ago, before the Kerns-Clifton Commission? A Not to my knowledge.

Q Did you ever go to Tahlequah to look it up? A Yes, sir, I saw the woman right here and I went to Tahlequah to look it up and I went to Mr. Bengé, old man Bengé: my master was her father, used to be my master.

Mr. Paulds: Did you hear her testify when she made application to be enrolled at the time of the Kerns-Clifton roll? A I don't recollect it.

Q You don't know whether or not she swore you were her father?

A No, sir.

Q Did you ever hear she claimed you were her father? A Some of the children; I had a daughter just about her color and her size, and when they would be going to church they would be walking together, and the children said look yonger, they must be daughters of Daniel Roach, they are both just alike, and it came up from that.

Mr. Hastings: You never heard her claim it? A No, sir, I never heard it.

Mr. Paulds: You heard that she said it? A Yes, sir, just told around.

Q You heard that Annie Green claimed to be your daughter? A Yes, sir, after the children said it was, she said yes I am, or something that way; that is about the way I understood it.

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Thomas Alexander, being duly sworn by Commissioner Needles, testified on behalf of the Cherokee Nation as follows:

Commissioner: What is your name? A Thomas Alexander.

Q How old are you Tom? A About 50.

A Do you know where you were born? A Born in Huntsville, Ala.; raised up in Nashville, Tennessee.

Q Did you ever live in Arkansas? A Yes, sir.

Q Ever live in Little Rock? A Yes, sir.

Q When did you live there? A I left there in 1865, as near as I can come it.

Q About when did you move to Little Rock? A I came there in 1877.

Q You came to Little Rock in 1877? A Lets see if I am right; no, sir, I came there in 1870, that is correct.

Q Do you know this applicant here, this man? A I don't know, sir, I have been seeing him about.

Commissioner: Do you know him? A Yes, sir, I know him, George Vann.

Mr. Hastings: Did you know him in Sequoyah district? A Yes, sir.

Q Do you live in Sequoyah down there? A Yes, sir, that is where I came to in 1885.

Q Did you ever know him before that time? A I saw him down to Little Rock, a constable in Argenta, on the Argenta side.

Q That is just across the river from Little Rock? A Yes, sir, north I think.

Q How about when did you first know him in Argenta or Little Rock?  
A Well, I don't know, as near as I can come at it, I think it was about 1874 that I saw him there, a constable, if I make no mistake.

Q About how long did you know him down there? A I know that he was a constable, I think, if I make no mistake, two years, or somewhere in the bounds, but he didn't serve his time out: I don't think he served his time out because if I make no mistake a man taken his place by the name of Gladney.

Q About how long did you know him there, two years?

Mr. Faulds: I object to the question as leading.

Q How long did you know him in Little Rock or Argenta? A I have knowed him, I guess, I will have to say about two years.

Q Did he have a family there then? A Yes, sir.

Q Lived there? A Yes, sir.

Q Do you know when he left there? A Well he left there sometime unbeknown to me; when I found out, he had done left there, done gone, he was but his family hadn't.

Q About when did you miss him to the best of your knowledge?

A Well, now I think he remained a constable to the best of my knowledge close to two years, and left there, and when I heard of him again he was gone, I don't know as I knew he was gone then except I saw Mr. Gladney riding in his post.

Q The next time you saw him in the Cherokee Nation? A Yes, sir.

Q What was he known by down there? A I always heard him called McKamy, I don't know whether it was a nick-name or what it was; that was his name, McKamy.

Q You saw him down in Sequoyah district and his name was Vann down there? A Yes, sir.

Q Did you ever talk to him up there about his being in Little Rock?

A Yes, sir, he has talked to me about it; asked me if I didn't know him, about his being constable down there.

Q Did he ever talk to you about his whereabouts before going to Little Rock, or Argenta? A Yes, sir, he told me about being at Pine Bluff and Memphis, before now.

He didn't state how long he had been there, or what his business was there? A He said he had lived there a while.

Mr. Faulds: You lived in Argenta from 1870 to 1885? A No, sir, I never have lived in Argenta.

Q Well, Little Rock? A Yes, sir.

Q Argenta is a suburb of Little Rock? A Yes, sir, it is a suburb I guess.

Q And during the time that you knew Vann there he was a constable, wasn't he? A Well, that is about the first I knew of him, about him running for a constable.

Q Now don't you know as a matter of fact that he never did run for a constable, that he was appointed as a constable to fill out the time of a man who had died? A No, sir, I never heard about it.

Q But still you can't deny it? A I dees deny it, I don't know nothing at all about that.

Q Didn't you say here a moment ago that he didn't fill out the time; didn't you state that just now in your evidence in chief, that George Vann didn't fill out his time? A Maybe he didn't quite fill it out, maybe he had to go away from there before he had filled it out.

Q Just answer my question please: I am not asking you about other things; we will come to that in time. How are constables elected back in Arkansas? A I don't know, sir, I can't say for certain, but I know he remained there in that settlement for constable two years and started on a second term, if you want the truth about it, but he didn't serve his second time out, he had to go away.

Q He went away? A He had to go away.

Q What for? A I can't say for certain, only I heard he had to go away from there about shooting at a widow woman in a door, and nother thing was getting away with some maney; I don't know, all I know I have heard.

Q Do you know anything about it? A No, sir, I don't know anything about it.

about it, but that is the talk.

Q You were not there? A No, sir, of course you know I couldn't have been there if he was constable.

Q Do you know as a matter of fact whether he ever did run for constable in that district? A He tried at one time, he tried to run for constable if he didn't run.

Q Answer me whether he run for constable? A Yes, sir, he run for constable.

Q You swear to that? A Yes, sir.

Q Did you vote for him? A No, sir, I didn't.

Q Do you know anybody did vote for him? A No, sir, I don't know who voted for him.

Q Do you know whether anybody voted for him? A Somebody voted for him, else he wouldn't have been elected.

Q And you know he actually did run there for constable? A Yes, sir

Q Know that of your own knowledge? A Yes, sir.

Q Tell me why you know it? A If a man gets on a ticket to run for constable like I see I guess he has to have tickets to run on.

Q Did he have tickets to run on? A I wasn't in his jurisdiction.

Q You didn't see any tickets with his name on them? A Yes, sir, I did.

Q Was name was on it? A McKamy

Q What else was on it? A George McKamy.

Q What year was that in? A I don't know what year that was in, it was along about the time I told you it was.

Q Who run against him? A That I don't know, who run against him.

Q You don't know who run against him? A No, sir.

Q You don't know whether he was elected? A He was elected once I know.

Q Might it not have been that he was appointed to fill out the place of a man who died there? A I don't know anything about that, I am at the first of that, I never heard of that; if it is that way I never heard anything at all about it; I never heard it that way.

Q Can you remember the first time you saw him in Argenta, the year?

A I am not going to specify the specified year I saw him there in; I am not going to specify what certain year, because I might be mistaken in it, but I know he was there and run for constable two years and entered on a second term and never filled it out.

Q Do you know what year he left there? A No, sir, I don't know that.

Q You don't know the year he started to act as constable and you don't know the year he left there, do you; now answer me my question; you don't know when he started to act as constable and you don't know when he quit acting as constable, do you? A I don't know anything about when he quit, I don't know when he left there; he left when I didn't know it; he was gone when I found it out.

Q And he had been gone a long time when you found out he had been gone? A Not more than a month or two.

Q Do you know what year he started to act as constable or what year he quit acting as constable; you have already sworn you didn't know what year he started to act as constable; didn't you swear that? A He acted as constable there '74 or '75 along there, but I will not specify for certain what year; I can't say what year for certain.

Q It was in '74 or '75? A Right along in '75 or '76.

Q When did he leave there? A And he left there, seems if I make no mistake, he left there in 1877, I think it was, since I come to think about it, if I make no mistake, somewhere along there.

Q Do you know it? A He left there in 1877 or '76, somewhere along there, as near as I can recollect.

Q But you don't recollect? A I don't recollect exactly.

Q Might it not have been in 1878 he left there; now you are on your oath? A I know I am under oath; he didn't leave there that year.

Q He might have left there in 1875? A He didn't leave there in 1875; he was there in 1876.

Q He came there in 1876 or 1875, didn't he? A Certainly he, sir.

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I didn't say he came there; I don't know when he came there; no, sir.

Q Didn't you say he started to act as constable in 1874 or '75?

A Yes, sir, I said that, but I didn't say he came there in that time.

Q And he left there in 1876 or '77? A Yes, sir, left there right along in one of them years, I will not say positive which.

Q Did you ever know of him acting as Justice of the Peace over there? A No, sir, I never heard of that.

Q Well, will you swear he didn't act as Justice of the Peace while he was there? A I swear he didn't to my knowledge.

Q And if he had done it you would know it? A I don't know, I think I would.

Q You saw him walking around the streets with his badge on? A I never saw him act as any justice of the peace, never heard of it before; he acted as a constable, riding around summoning people and making arrests, but didn't look like a justice of the peace to me.

Q Are you a Cherokee Freedman? A No, sir, I am a state man.

Q You have no right here at all? A Not a bit.

Q How long have you lived here? A I came here in 1885.

Q Been living here ever since? A Yes, sir.

Q You have been living with some of George Vann's manufacturing children some of that time, haven't you? A Yes, sir.

Q How long? A About a year.

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

Q Did you quit her or she quit you? A There was quitting doings.

Q She quit you didn't she? A Oh, yes, she quit me.

Q Then it was mutual? A Yes, it was mutual, that is what it was.

Q Which daughter was that, Mary Jane? A Mary Jane; I guess you

ask me that much, you ought to ask me about some of his sons down there in Little Rock now; they haven't left there yet.

Q Have you got any sons in Little Rock? A I didn't say no, I said Mr. Vann, or McKamy, or whatever they call him.

Q You have never been charged with any crime? A Yes, sir, I was charged with the crime and came clear of it.

Q What were you charged with? A I was charged with burning a house and was acquitted for it in the Commissioner's Court.

Q Is that all you were charged with? A That is all I ever knew of.

Q You were charged with rape and? A Never heard of that before; no, sir, never heard of it before; I am at the first of that; I

told you what I have done; no, sir, I never was.

Q You have committed rape lots of times, haven't you?

Commissioner: You need not answer that question.

Mr. Paulds: Were not you charged with burning this Vann house because she wouldn't stay with you? A Yes, sir, I was charged with doing that but I didn't do it and if I had have done it it would have been proved on me.

Mr. Hastings: They tried you and you came clear? A Yes, sir, and you can ask him about it.

Mr. Paulds: You lived there in Little Rock continuously from 1876 to 1885? A Yes, sir.

Mr. Hastings: You lived with this daughter, Mary Jane, a while? A Yes, sir.

Q About how old is Mary Jane now? A According to what I would call her, I guess she is about 35 or 40.

Q Did she ever tell you about anything where she came from before she married you? A Yes, sir.

Mr. Paulds: I object to that as hearsay.

Commissioner: I don't think that is pertinent.

Mr. Hastings: The question of whether or not she told him or not she told him prior to their marriage he can answer by saying yes or no; now that is not telling any hearsay or what she said, except to say whether she told him or not, and that the next question perhaps would be objected to by the attorney on the ground it was hearsay, but now our first point is to have that question answered as to whether or not she

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ever told him; that is not hearsay; he might object as to what she did tell him afterwards, but that is a second question, and this is only leading up to it.

Mr. Hastings: No go ahead and make a statement of all Mary Jane said about her whereabouts as far as you know, prior to her marriage.

Mr. Faulds: I object to that.

Mr. Hastings: I want to call your attention to this point, that when Charlie Robinson was on the stand in his case, not five or ten minutes ago, the questions were then asked him about by this same attorney, the question was asked him as to the whereabouts of his wife, and who she belonged to. The question was then objected to, and this same court ruled in that case that inasmuch as there has been ~~gras~~ more or less latitude allowed about it, that hearsay upon what question was admissible, and it was allowed to be testified to at that time by that man, who she belonged to, when he didn't claim to know her before the war at all, but who she said she belonged to before the war, which was clearly a declaration in interest and this is a declaration against interest. It is a matter of family history and in our judgment clearly admissible in this case.

Mr. Faulds: My learned friend is entirely mistaken when he says that any such testimony was objected to in this case. Charlie Robinson was called in this case to prove the reputation of Joe Bruner, and as your honor knows, that is an exception to the rule and you can prove reputation by hearsay evidence, but we never offered any evidence at all as to what has been said by this person and that person. Now then the proposition to offer in evidence what this man's daughter had told this man with whom she lived, not even her husband. Now there is a rule which requires the best evidence to be given. What is the best evidence? The testimony of Mary Jane Vann herself; that is the best evidence. Let them call her, swear her, ask her the question where were you living, where was George Vann living! that is the best evidence, that is the original evidence, and hearsay evidence against interest is never admissible when you can get the original, the best evidence. Would not be admissible under any circumstances because the parties are not in any respect whatever identified in interest.

Commissioner: Well, that might have been proper at that time. The objection wasn't strenuously urged by the counsel. This testimony it appears to me is not relevant at all, and is not a proper question. This woman is alive. I don't think it very material in either event.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and except to the ruling of the Commission in the above case.

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Thomas Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Thomas Bell? A Yes, sir.

Q And your post office is what? A Dora.

Q Indian Territory? A Arkansas; near the line.

Q How old are you? A I don't know, over 68 or 89.

Q I will ask you if you are acquainted with Joe Bruner? A A little, yes, sir.

Q Do you know his general reputation for truth and veracity in the community where he resides; what the people say? A Yes, sir.

Mr. Hastings: How far do you live from Joe Bruner? A As near as I can study and think, it must be about five or six miles.

Q Do you say you know his reputation in the community in which he lives? A I don't know it, no more than what I hear.



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Q Do you know it in the community in which he lives? A No, sir, I don't know it, but I hear it.  
Mr. Faulds: Reputation, you understand Mr. Bell, is what the people say of Mr. Bruner, it is not what you know. A In his settlement?  
Q Yes, in his settlement, among people with whom he is acquainted, and whom he associated with. I want to know what his reputation for truth and veracity is among those people; do you know it? A Yes, sir.  
Q Now is that reputation good or bad? A Bad.

Mr. Faulds: Of course the Commission understands that we have a great many witnesses we have not brought, that we intend to bring up at Muskogee, but we haven't any more here.

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 6th of May, 1901.

*A. H. ...*

Commissioner.

File with Cherokee Freedmen, D-115, George W. Vann.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 12, 1901.

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

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

J. S. Faulds, attorney for applicants;  
W. W. Hastings and J. S. Davenport, of counsel for Cherokee Nation.

Mr. Faulds: Applicant objects to any testimony being offered against him, on the ground of insufficient notice, notice being served on me yesterday.

Commission: The Cherokee Nation makes satisfactory proof of service of notice on the said George W. Vann, that testimony would be taken in behalf of the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on the 12th day of September, 1901. The said George W. Vann has been called three times and does not respond. It is further stated that the said George W. Vann was about the office of the Commission during the forenoon.

JOHN BYNUM, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?  
A John Bynum, J. G. Bynum, I am 34 years of age, going on 35.

Q Your residence? A Residence, North Little Rock.

Q By what name was the town in which you live now known prior to its being known as North Little Rock? A Argenta.

Q How long have you resided in Argenta, or North Little Rock as it is now called? A Since '65.

Q Did you ever know a colored man in Argenta who went by the name of George W. McKamy? A Yes, sir.

Q About when did you first get acquainted with him, giving the year as near as you can? A Well, as near as I can submit to memory, it must have been about '73 or '4 when I first knew McKamy there.

Q Did he occupy any official position while he was in Argenta?  
A Yes, sir, he used to be constable there.

Q Did you get acquainted with him before he was a constable or after he was constable? A I got acquainted with him before he was a constable, but more after he became constable, that is, I saw him after he was a constable; I never had much to do with him; after he became a constable he came before me here.

Q Do you know whether or not he had a family in Argenta? A Yes, sir.

Q About how many did his family consist of, if you know, John?

A I really sir don't know, I am satisfied he had a wife and I think there was some three or four children, I won't be positive about that.

Q Had he any boys in the family that you know of? A Yes, sir.

Q Do you remember any of their names? A One of them was named John, and the other one, I know his name but I just can't think of it.

Q Since you became acquainted with McKamy, have you known him

boy James? A Yes, sir.

Q Where had he been living since you first knew McKamy? A James run away from Argenta.

Mr. Faulds: I object to this. What has it got to do with George W. Vann?

Commission: The objection will be noted; let him answer the question.

A James run away from McKamy, I suppose 20 years ago, maybe longer, he run away from there, and he came back here --

Q Come back where? A Back to Argenta, about a year ago, or maybe more, that I first seed him being there.

Q Is he living in Argenta or North Little Rock now? A Yes, sir, he is living there.

Q Was you living in Argenta when what was known as the Brooks-Barter war came up? A Yes, sir.

Q You remember about what year that was? A It was either '74 or '75, I disremember which year it first started.

Q Had George W. McKamy been constable in the town of Argenta before the Brooks-Barter war? A Yes, sir.

Q Do you remember now about how long? A No, sir, I don't just exactly remember how long he was constable before that came up.

Q Do you know whether or not he was living in Argenta when the Brooks-Barter war came up? A Yes, sir, he was there when it came on.

Q About how long did he continue to live there after the Brooks-Barter war, to the best of your knowledge? A Well, I don't know air just exactly how long it was after that before he left there, I just don't admit to memory just exactly how long it was and what time he did leave there.

Q About how many years do you think he lived in Argenta? A He must have stayed there some three or four years anyhow to my knowledge, if not longer.

Q Do you remember what the name of the township that Argenta was in at that time; in your county you have townships where constables have jurisdiction; do you remember the name of your township?

A I think it was Eastman.

Q You have a township and have a constable and deputy constable?

A Yes, sir.

Q Was that Eastman township? A Yes, sir, I am mighty near certain.

Q Have you seen the man George W. McKamy since you have been to this place? A Yes, sir.

Q Was the same man constable there prior to the Brooks-Barter war?

A Yes, sir.

Q And the same man that acted there as constable? A Yes, sir.

Q You are quite sure he was acting as constable before the breaking out of the Brooks-Barter war? A Yes, sir.

Mr. Faulds: Don't lead the witness that way.

Q Do you know whether or not he goes by the name of George W. McKamy here? A Well, I heard they call him George something else, Vann or something like that, here; I hear them call him that here.

Q Did he ever go by that name when he was living in Argenta?

A No, sir, he always went by the name of G. W. McKamy.

Q Did you live in Argenta when a certain colored woman known as Annie Greer killed her husband? A Yes, sir, I was eight miles this side.

Q You know of the circumstance? A Yes, sir.

Q Do you remember about what year that was she killed her husband?

A I think it was in 1863.

Q You think it was in the eighties? A Yes, sir, somewhere in the eighties.

Mr. Faulds: Did you ever visit at McKamy's house? A Well, no sir, not even; no sir, I don't remember of visiting there, I might have been there, I don't admit to memory whether I was or not.

Q I want to know whether you were ever at his house, visiting there?

A I can't say really now positive I was at his house: I have been by the place where he used to live, but whether I have been in the house I can't say: he used to live there close by a family that I used to visit, a good deal: they were all in the same yard.

Q You don't know what year that was you first saw him there?

A I am not positive whether it was '73 or '4 that I first got acquainted with McKamy.

Q Are you positive it wasn't 1875? A Well, I think it was before that, according to my best judgment, that I got acquainted with him.

Q When you say the Brooks-Barter war broke out? A Well, I am not positive about what year that was.

Q You were living there in Argenta when it broke out? A Yes, sir, I have made that my home since '65.

Q Did you have anything to do with that war? A No, sir.

Q And you say McKamy was acting as constable there? A Yes, sir.

Q Was he acting as Justice of the Peace? A No, sir.

Q Do you know whether he was appointed or elected? A He was appointed.

Q What was the name of the Governor at the time that war was going on, Hadley? A Yes, sir, Hadley was the man that appointed him; there was such a wrangling among the governors I don't remember who did hold, I know there was a wrangling between Brooks and Barter and finally Barter came out, soon then everybody got to fighting, but just how that tangle was, of course I was a little wild at that time, I don't remember all about it.

Q Governor Hadley was the man that appointed him? A Yes, sir.

Q There was a great many colored people taken out of the Territory over there in that war, taken out of the Territory? A I don't know sir, that there was: there was a good many brought from down between Fort Smith and Little Rock, carried down there, but I don't know whether any came out of the Territory or not: I know some people came down from between Fort Smith and Little Rock by the same name I am, belonged to the Humm family down there, but I never got acquainted with any come from the Nation: they might have come, I don't say they didn't, but I never got acquainted with any.

Q Vann was married at that time, was he? A Yes, sir.

Q How how often would you see him there? A Oh while he was constable I used to see him often times there.

Q When he wasn't constable, did you see him often? A I didn't know so much about him; now when he was constable I often seen him.

Q When he wasn't constable, there would elapse a great length of time sometimes when you wouldn't see him? A I can't say about that, I never paid much attention to him until he got to be an officer, and I was a wild boy and I had to keep an eye on the officer.

Q Did he ever arrest you? A Yes, sir.

Q What did he arrest you for? A He arrested me on the charge of being drunk there one night.

Q Who, McKamy? A Yes, sir. There was a white man killed there one night, and me and a bar keeper had some racket, and of course some white man come on that killed me, and he read out the warrant for me, but this night when I had the racket there I had it with the bar keeper, and McKamy - his deputy first come on and taken hold of me and I threw him loose - and McKamy come and taken me then and carried me over - I was running a shoe shop, - and carried me over and locked me up in my own shop and put the key in his pocket.

Q What because of that charge, what was done with that? A They dispensed with it, found out I wasn't the man and didn't know anything about it.

Q And McKamy was the man that arrested you? A Yes, sir.

Q You were angered at McKamy for arresting you? A No, sir, I considered him my friend.

Q Have you ever arrested for anything else? A No, sir, the

was the only thing.

Q You say when he ceased to act there as constable you lost track of him, don't know anything about him? A Yes, sir, I guess he left there; I don't know exactly how long after he ceased to be constable.

Q After he ceased to be constable he left there? A Yes, sir.

Q You didn't see anything of him after he ceased to be constable?

A I believe he has been back there, just been back and visited, tended to some business, and I have seen him once or twice; he has been back there.

Q That is after he ceased to be constable? A Yes, sir.

Q When did you say you first got acquainted with him; '73 or '74?

A Yes, sir.

Q Where did you first meet him? A Met him there in Argenta.

Q That the time the trouble was coming up, this war? A That was a little while before this war came up.

Q How long before, a month or so? A I really don't know.

Q Maybe a month or so? A Might have been just that long and might have been longer, I can't say.

Q You don't know? A I can't say.

Q So that your acquaintance with him there in Argenta is confined nearly altogether to the time that he acted as constable? A Yes, sir, more particularly, I knew him well then and was better acquainted with him; it behooved me to keep my eyes on the officers.

Q You were watching the officers? A Yes, sir.

Q You were afraid of them? A I was sorter shy of them.

Q You got drunk occasionally? A Yes, sir.

Q Kind of a whiskey fellow then? A Yes, sir.

Q Got better sense now? A Oh yes, sir, quit altogether.

Mr. Davenport: John, how long after he ceased to act as constable did he live there in Argenta? A I really don't know, sir, just exactly how long he did stay there after he ceased to act as constable.

Q Do you know whether or not he lived there any time after he quit acting as constable? A Well, yes, sir, I know he stayed around there a short while, I don't know just exactly how long.

Q You spoke a moment ago he lived in the yard with a family you visited quite often; what was that family named? A He lived in a yard they called the old King residence, where a man named LaMoyné used to live.

Q Was that the family you had reference to? A Yes, sir, I used to visit a great deal.

Mr. Faulds: You know where McKamy came from when he came to Arkansas? A No, sir, to my best knowledge though he came from the east somewhere, from one of those eastern states, to Argenta, I don't know where originally.

Mr. Davenport: You always understood he came from some of the states east of Arkansas? A Yes, sir.

Mr. Faulds: I object to that.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in testimony a certificate from the county court of Pulaski County, Arkansas, showing the date of the appointment of George W. McKamy as constable for Eastman Township, State of Arkansas, County of Pulaski.

Mr. Faulds: I have one of those, we don't know whether it is the same as this, we are going to offer in evidence.

(Document described above admitted without objection.)

Mr. Davenport: I also desire to introduce a certified copy of the judgment and order of ouster, entered by the Cir-

oult court of Pulaski County, State of Arkansas, in the case of Joseph Brooks, Plaintiff, against Elisha Baxter.

Mr. Faulds: I object to that: what has it got to do with this case?

Mr. Davenport: It shows when Mr. Brooks and Mr. Baxter's war came on; I propose to show the war followed the entering of that order, and that is the best way of proving when the order was entered.

Mr. Faulds: I object to this, as incompetent, irrelevant and immaterial, and nothing to do with the case whatever.

Commission: The objection will be noted and the document will be filed.

Mr. Faulds: No proceedings in a suit between parties, in which George V. Vann wasn't a party, would be competent against him.

Mr. Davenport: It is offered for the purpose of showing by the best testimony when the controversy arose over the Governor's office between Joseph Brooks, who was contending for the office of Governor against Elisha Baxter, who was the incumbent and acting Governor, being the first record upon which they went into the court, in order that subsequent testimony may be introduced to prove when the war known as the Brooks-Baxter war, in the state of Arkansas, came up.

W. R. F. PAYNE, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence? A My name is W. R. F. Payne; my age is 47 next birthday.

Mr. Faulds: Were you listening to the evidence of this former witness? A No, sir; my residence is Argenta, or Little Rock.

Mr. Davenport: How long have you resided in Argenta, or North Little Rock, Mr. Payne? A 21 years.

Q Was you residing in there when what was known as the Brooks-Baxter war took place? A Yes, sir.

Q Were you residing in Argenta in the eighties? A Yes, sir.

Q At any time during the eighties did you hold any official position in the town of Argenta, Arkansas? A Yes, sir, I did.

Q What position was it you held? A I was constable there.

Q In what township? Or what was known as a township at that time? A It was Hill Township then, but it was a part of Eastman; it was out off of Eastman.

Eastman was divided in '84, and in April, '85, I went in the constable's office and remained there until the 17th of September, '88.

Q During the time you were constable, who acted with you, if anyone? A A. M. Doty.

Q Is Mr. Doty dead or living? A He is dead.

Q During that time, was a colored man by the name of George McKamy constable? A No, sir; he wasn't, he held no position there in that township.

Q Do you remember the circumstance of a colored woman having killed her husband, whose name was then Annie Greer, who now is Annie Green?

A Yes, sir, I knew Annie Greer when she lived there and know when she killed her husband.

Q Have you seen her since you came up here?

Mr. Faulds: I object to that as immaterial.

Mr. Davenport: The representatives of the Cherokee Nation offer it for the purpose of contradicting the applicant. The applicant has testified that he was constable at the time this transaction took place, and that he made the arrest.

Commission: The objection will be noted and the witness will be permitted to answer the question.

Mr. Faulds: I would desire to further state that you have no right to contradict the witness on an immaterial

matter, even if what you say is true.

A Well I met Annie, that I know my Arnie Greer in 1884 when this happened; in the early part of '85 I think when she killed her husband.

Q Who made the arrest in that case? A He and Mr. Doty made the arrest, Mr. A. M. Doty, we were together.

Q Was George W. McKamy about her, have any part in the arrest?

A He took no part in the arrest, I don't know where he was at that time; he taken no part in the arrest, had nothing to do in any manner with the constable's office in the township at that time.

Q Do you know the year the Brooks-Baxter war took place? A I only know it from history; my impression is it was in '74, but I wasn't in the state at that time, I was in Mississippi, I lived there.

Mr. Paulds: Did you know McKamy? A I don't remember him, I don't think I was acquainted with him at any time.

Q Do you know him now? A No, sir, I don't think that I know him.

Q You would not know the man if you saw him? A I saw the man that was pointed out to be as McKamy, but what I want you to understand is I don't remember anything about him, only seeing him, I have no acquaintance with him that I recollect.

Q What year was this you say you arrested this man? A This, when it was in '86, early part of '86 when this happened.

Q Well, this was a different transaction altogether you are speaking of, this arrest you made. A I am speaking about the arrest of the woman when she killed her husband.

Q Was it her husband she killed? A Yes, sir; that is what she was arrested and tried and acquitted for, killing her husband; it was her husband that was killed.

Q You are sure of that, are you? A Yes, sir.

Q And that was in '86? A Yes, sir, it was sometime in the early part of '86, I don't recollect the dates particularly, only I know it was in the early part of 1886.

Q You never saw McKamy then in Argenta at all? A I don't remember if I ever did.

Q Don't know that he ever lived there? A No, sir, I don't know anything of that kind.

Q Don't know that he acted as constable there? A Not of my own personal knowledge I don't; when he acted as constable was before I came there; I know that from hearsay, but not from my own personal knowledge.

Mr. Davenport: The representative of the Cherokee Nation now offer in evidence a certified copy of the indictment and judgment in the case of the State of Arkansas against Annie Greer.

Mr. Paulds: My this is a different case entirely that you are bringing up here; I object to this; the applicant is no party to this judgment and if cannot be evidence against him, incompetent.

Mr. Davenport: The representative of the Cherokee Nation offer the certified copy of the indictment and judgment for the purpose of contradicting the applicant, and for the purpose of showing that the transaction of the killing of the husband of Annie Greer by her took place more than 12 years after the applicant claims he resided in Argenta, notwithstanding his claim he made the arrest.

Commissioner: The court will be duly cited.

Mr. W. B. MOYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A My place of residence, Argenta.

Q What is your name? A Mat Malloye.

Q How old are you? A 49 years old.

Q Your residence? A Argenta, my residence is.

Q How long have you resided in Argenta? A Been there ever since October 15, 1868, some there the 15th day of October, 1868.

Q Is that town known by any other name but Argenta? A No, now it is known as not as Argenta, it is in the ward now, it is the Eighth Ward.

Q Eighth Ward of what? A Little Rock.

Q Mat, did you ever know a colored man down there in Argenta, when it was Argenta, by the name of George W. McKamy? A Yes, sir.

Q Have you seen that man since you came up here? A Yes, sir.

Q Do you know what name he goes by up here? A No, sir, I don't know what name he goes by.

Q He talk to you this morning? A No, sir, he haven't said a word to me, I haven't spoke to him.

Q Did you ever know him by any other name in Argenta but George W. McKamy? A No, sir.

Q About how long ago did you get acquainted with him, as near as you can remember? A It was in '72, either the first part of latter part of '72 I got acquainted with him: he lived in adjoining yards right with me and my father.

Q Did he ever occupy any official position down there? A Yes sir.

Q What was that? A Constable.

Q Was you acquainted with him before he was appointed constable or after he was appointed constable? A Before he was appointed constable.

Q About how long before? A I think his appointment was about in '73 sometime, he came to live there in adjoining yards with us in '72, the latter part of that, and shortly after that he was appointed, I think was when.

Q Did you ever have any conversation with him, or hear any conversation with him, with reference to whence came from when he came to Argenta? A No, sir, I heard him tell --

Mr. Faulder: I object to that.

A I never heard him say where he came from before he came there.

Q Do you remember anything about a war down there, known as the Brooks-Baxter war? A Yes, sir.

Q When did that take place? A That was in '74, along in '74.

Q Was that after George was appointed constable, or before?

A Before: after he was appointed constable.

Q He was acting constable before the war? A Before the Brooks-Baxter war, yes, sir.

Q And you think that war was in '74? A Yes, sir.

Q How then, about how long did he stay there after the war: do you remember when he left? A After the Brooks-Baxter war, no, sir, I can't designate how long he stayed there.

Q Did he stay there any time, to your knowledge? A Yes, sir, after the war he stayed there sometime.

Q Do you remember any circumstance connected with his leaving, or anything that caused you to know anything about his leaving? A Yes, sir, I believe I can state that, that he lived right there after that at his mother-in-law, Aunt Sarah Roach was his mother-in-law, and along about that time he was talking about leaving and sent for her son to come and assist the old lady because he was going to leave.

Q What was his son's name? A Ed Roach was the son's name.

Q You know his family? A Yes, sir, I played with them.

Q Did he have his family there with him in Argenta? A Yes, sir.

Q About what constituted the number of his family, as near as you can recall? A He had two sons and a daughter, one daughter died there



Almyra she was there, McKamy was her name.

Q Do you remember the other- perhaps name daughters name? A Let's see, the other one's name, I can't exactly remember the other one's name.

Q What was the sons named? A Jim and Hewt.

Q Do you know where Jim is now? A Yes, sir.

Q Where is Jim? A Down there right in Little Rock.

Q About how long has Jim lived there? A Jim has been living there about a year, nearly a year since he has been back; Jim has been away some time.

Mr. Faulds: I object to that, it is immaterial in this case.

Mr. Faulds: Are not constables elected over there now? A Now you mean?

Q Yes? A Yes, sir.

Q They run for that position and are voted for? A Yes, sir.

Q That has been the practice ever since the Brooks-Baxter war?

A Yes, sir, I believe it has.

Q But at the time of this war they were appointed by the Governor; Governor Hadley appointed a number of men to act as constables? A Yes, well McKamy was appointed there.

Q That is, he was appointed by Governor Hadley; well you say he just came there and then he began to act as constable? A No, sir, I didn't say he just came there.

Q Well, how long was he there? A I can't just designate the time he was, but it was something, let's see, something over a year, something more or less that he was been there, but I don't know just exactly the time, I can't tell.

Q Did you ever see him doing any work there besides act as constable? A Yes, sir, he run a little eating house there; he never was much of a man for working.

Q Never was much of a man to work? A He was a pretty sharp man, had other ways of living I suppose; he run an eating house there.

Q Was that the time he acted as constable too? A Well he run a little sheebang during the time he was constable.

Q Did you ever eat there? A I don't remember eating any meals there at all, I didn't eat there, I had a home.

Q He was carrying on a thriving business, acting as constable and running an eating house? A I suppose that is what he was doing, running a little house or something.

Q You live over there now, do you? A Yes, sir.

Q Ever get into any trouble over there? A No, sir, I haven't been in any serious trouble any time.

Q Been arrested? A Let's see; no, sir, I have never been arrested since I have been in there, I don't think.

Q Before you came in there? A No, sir.

Q Never arrested in your life; now tell the truth? A Let's see if I ever been arrested; I don't think I was only the ruling there they made once in the past, my father had 12 sons, tried me for not working the roads, public roads.

Q You were lazy, weren't you? A No, I didn't want to work and I didn't suppose they could make me work, but they did make me.

Q How old did you say you were, 48? A Yes, sir, I was going on 48, in my 48th year.

Q Were you married when McKamy ran there as constable? A No, sir.

Q What makes you appoint him year 1878, what makes you put it at that year? A That was the time we lived there on the place, we were living at the King place.

Q You say you think it was that year? A Well, I know it is the year we lived there, I know that was the time, the first time I got acquainted with him.

Q Can you read and write? A Yes, sir.

Q Did you see much of him after he quit that position of constable?

A What do you mean see much of him?

Q Did you see him around there? A In yes, sir, I see him around

times, at his house several times.

Q How long afterwards do you say he went away? A I don't know, I can't designate the time he left there.

CHARLES TOLLIVER, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence?

A Charles Tolliver, 47 years of age; live at North Little Rock, Argenta, used to be.

Q How long have you lived in North Little Rock? A Ever since '90.

Q Since you have been living in Little Rock, or Argenta as it was some years ago, did you ever know a man by the name of George V. McKamy, a colored man? A George McKamy, yes, sir.

Q About when, as far as you can remember, did you get acquainted with him? A Well, they emigrated a great deal here from Alabama, come here, about four or five hundred colored people, and he come along about that time, about '71 or '2, along about that time.

Q Did you ever hear him say where he came from when he came there?

A He used to be a constable, and he is a great man for roughness, and he was a great man for imposition, and he used to speak to a man and say, don't bother South Carolina, or North Carolina, and put his hand back of his coat and show his gun.

Q He left it to be understood he came from there, -- --

Mr. Peeler: I object to that.

Q -- -- in that country where they made not stand around with their guns? A Yes, sir.

Q Did he occupy any official position down there? A He did, yes, sir.

Q What was he known as? A Constable.

Q Do you know what the name of the township was, the name it was known by at that time? A Well, it was Eastern township, it stands that way I suppose.

Q Now, did you know him before he appointed constable, or after he was appointed constable? A That was before he was appointed.

Q About how long before he was appointed constable did you get acquainted with him? A Before Brooks-Baxter was I think he was arresting people around there and beating up people.

Q I am speaking with reference to his being constable, or acting constable? A He was acting constable at the time.

Q He had his family there? A Yes, sir.

Q What was his boys name? A Jim McKamy and Nert, and I have forgot the rest of the children, he had some grandchildren, and one drank some whiskey and died; he lived there above Mel Lamoys and McNeal lived on the other side of him.

Q Do you know anything about his son now, where he is? A Nert? A He is in Texarkana, somewhere around in there.

Q Do you know where Jim is? A Lives in Argenta.

Q Does his family live there? A Just married about a month or two ago, yes, sir.

Q When was the Brooks-Baxter war? A In the spring of '74.

Q Was McKamy there after the Brooks-Baxter war? A I don't know how long he was there, he had to run away from there, though, and I think it was in '75.

Q What did he run away from? A I don't know, they got after him and run him away.

Q Did you ever know him in Argenta by any other name other than George V. McKamy? A Never did know nothing but George McKamy.

Q When did you first learn that he ever had any other name? A I was in Indian Territory, and he was living there.

Q When was that? A It was in '94, I lived there three years and six months.

Q Were you up in this country yourself? A Yes, sir.

Q At what point? A Fort Smith.

Q You found then he went by another name? A Yes, sir.

Q Did you learn what that name was? A Warri, or something.

Q Have you seen the man, since you came here, that was known as George McKamy in Augusta? A Yes, sir, I saw him this morning, some great big black fellow, and he has got a son the same size he is.

Q And the same man you know down there that acted as constable?

A Yes, sir.

Q And that was before the Brooks-Baxter was that he acted down there?

Mr. Paulsen: He didn't say that.

A In '72 when I first knew him being a constable.

Q Did you now say you knew him when he was appointed constable?

A I don't say I knew him before he was appointed constable.

Mr. Paulsen: He was acting as constable when you first knew him, got acquainted with him, McKamy was acting as constable when you first got acquainted with him? A How could he be, he wasn't no constable then; how could he be constable in '71 or '72, how could he be a constable then.

Q You lived in Little Rock since '69? A That is right, yes.

Q How old were you when you went there? A I don't have any limit of that at all, I didn't tell that.

Q Well, how old are you now? A I told you I was 47.

Q How old would you be when you went there? A You can figure it up there.

Q You can't figure it out? A You can figure it out too can't you?

Q Well, if I took the time? A Well, that is your business; I told you I am 47 and you can figure it out.

Q Do you know when the war between the United States and the Confederacy broke out? A No more than what I have seen folks there that was in time of the war, at my mistress's house.

Q That year was it the war started out? A I can't figure it out, I know they were there during the war, at my place.

Q Do you know when the war started? A They say it started in '61, I don't know when it started.

Q When did it end? A I don't know, I can't tell you.

Q You don't know that? A Some folks say it ended about '65, I don't know, I am not looking at these things at all.

Q Well how long did you know McKamy over there? A Well you can count up from '71 or '72 to '74, you can tell when that was.

Q He left there in '74 did he? A Somewhere in '74 or '75 he run away from there, I don't know how he got away.

Q You say it was sometime in '72, '74 or '75 he went away? A No, sir, I didn't say that, I say between '74 and '75 before the Brooks Baxter war time these fellows got after him and was going to kill him.

Q Did he leave there right after the Brooks-Baxter war? A Yes, sir.

Q Were you well acquainted with him over there? did you visit his place? A I told you I stayed around his house, I played with his children, I guess I did, I stayed there with them and played with them all the time.

Q Do you elect your constables over there now? A I don't know how these white folks do.

Q You are living over there now? A There is no negroes over there now, there are all white folks, they do as they please.

Q They elect them? A I don't know, the man is in the place.

Q Don't you have any elections over there? A I don't know nothing about that.

Q Do they elect the white people? A I guess they do, sometime they do something.

Q If you ever vote there? A Didn't I tell you they don't elect anything like that, they get them in another way, they appoint them sometime.

Q I say what you colored people voted over there, did you ever vote over there yourself? A I have voted over there for the President.

Q Don't vote for anything else but President? A No need to vote for anything else but President.

Commission (to stenographer): Don't put all these immaterial questions down.

Mr. Davenport: Do you know Annie Greer? A That is my sister in law.

Q Did you know her at the time she had the trouble with her husband down there? A Yes, sir.

Q What year was that? A I don't know, it was in '86 or '7 somewhere in there.

Q Was George McKamy acting constable at that time? A No, sir.

Q Do you know what her name is now? A Annie Green.

Q Do you know of her having any trouble there in Argenta and being arrested and accused of killing her husband other than that time?

A No, sir, she has never killed anyone but that one.

Q Was she ever accused of killing anyone but that? A No, sir, she come clear of that one.

FANNIE MOORMAN, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A Fannie Moorman.

Q How your age and place of residence? A I live in Argenta.

Q How old are you? A About 45.

Q What name is Argenta known by now, if any other than Argenta?

A Part of it is called North Little Rock, and the place I live in is not incorporated, it is called Military Heights.

Q How long have you lived in Argenta and near Argenta? A I have lived right around in Argenta and near Argenta, I was raised there.

Q Well, since you have been big enough to recollect, did you ever know a colored man down there named George McKamy? A Yes, sir.

Q About how long have you known him? A I have been knowing George McKamy quite a while, a great while.

Q Did you ever know him by any other name than George W. McKamy, or George McKamy? A No, sir.

Q Have you seen that man since you came up here? A Yes, sir, several times since I have been here.

Q Is he the same man you know down there as George W. McKamy?

A Yes, sir.

Q Do you know what name he is going by now? A I have heard several times since I have been up here.

Q Is it represented to you that he goes by the name of George W. Vann up here? A Yes, sir.

Q Have you seen that man this morning? A Yes, sir, I saw him several times this morning: when I was up here this morning he was was there under the tree with his little black grip sack.

Q Did he ever hold any official position down there? A Yes, sir, he was constable down there.

Q Do you remember the township or not, or what it was called?

A No, sir, it is called --

Q How long did you know him, if at all, before he was acting constable? A Yes, sir, I knew him a while before he was acting constable.

Q About how long? A About the rise of the year I suppose, something like along in there.

Q Something like a year? A Yes, sir, something like that.

Q Do you know what was known and called in your country when Brooks Barker was? A Yes, sir.

Q Was George McKamy acting constable before the Brooks-Barker was broke out? A Yes, sir, he was a constable before the Brooks-Barker was.

Q Do you remember about what year the Brooks-Barker was broke out?

A No, sir, I don't remember the year.

Q Your had known him something like a year before he was appointed constable? A Yes, sir.

Q And he was acting constable before the war broke out? A Yes, sir, he was acting constable before the war broke out.

Q About how many were altogether, from the first you got acquainted with him, did you know him, till he left Argentina? A I can't tell till he left Argentina, as high as three or four years anyway, I suppose.

Q Did he make any crops or work around Argentina? A Yes, sir, he made two or three crops around there.

Q Had he made any crops before the Brooks-Baxter war, do you know?

A Yes, sir, before the Brooks-Baxter war.

Mr. Pauls: That is a leading question.

Q Now when did he live when he was living in Argentina, if you remember the names of the families? A He lived a good while, I can't say how long, by the side of Mat Lakoyas.

Q That the gentleman who testified a while ago? A Yes, sir, and then he lived a good while by Mandy Yarbrough.

Q Now what relation is Mandy Yarbrough to Annie Green now, who was formerly Annie Greer, if she is any? A She is her mother.

Q Did you know George W. McKamy's family when they lived in Argentina?

A Yes, sir, I was very well acquainted with his wife, his mother-in-law, his brother-in-law, and knew the children, some of the children I knew the names; now it has been so long I can't call all the children's names.

Q What was some of the children's names you remember? A He had a boy named Jim McKamy, and he had another Luke, and he had a girl named Mary Jane, and his wife was Mary Jane.

A Did he have any other girls, you remember? A Yes, sir, one or two, and I don't remember the names.

Q Do you know where Jim McKamy and his family reside? A About a mile or a mile and a half from me in Argentina.

Mr. Pauls: Did you ever apply to be enrolled as a Cherokee Freedman? A Did I ever, no, sir.

Q You are a colored woman, aren't you? A Yes, sir, I am a colored woman.

Q Were you well acquainted with old George over there? A George McKamy; yes, sir, I was pretty well acquainted with him.

Q Were you married at the time you knew him? A Yes, sir, my husband's name is...

Q When, during that disturbance first started, during this Brooks-Baxter war? A Well, now I can't tell you anything about the starting of that, I only can tell you the truth.

Q How long did it continue? A You may be sure a woman can't really tell you how long it continued, because time of the shooting a woman would be some other place.

Q Any actual fighting over there? A Yes, sir, a good deal of shooting.

Q Was anybody killed? A Yes, sir, I always heard someone got killed, not that I saw them.

Q There was a great deal of disturbance, great deal of talk about the war? A Yes, sir, there was a good deal of talk when the two men Brooks and Baxter, the one wanted the land and the other wanted the best, and there was a great deal of talk in that direction.

Q It was saying this talk that McKamy began to get so conceited, wasn't it? A During this talk he began to get so conceited.

Q This talk about having the land, how long was it? A Well I can't tell, I can't say, I can't say whether the time of this great talk was about the war or not.

Q How long did he stay there as constable? A Well, I can't know, he

acted some little time, I don't know, I can't really say, not expecting anything like this kind would ever come up.

Q Did you ever know McKamy before you saw him there? A Before I saw him in Argenta, no, sir, never till I saw him in Argenta.

Q He went away from there, did he? A Yes, sir, he run - he went from there.

Q You remember the date he went away? A No, sir, I don't know anything about the date that he went away only I know when the great talk was he had run away from there.

Q What did he run away from there for? A I don't really know what it was he run off for, but I know he run away and slipped back in there to get his family.

Q You ever seen his wife since she left there? A No, sir, never seen her since she left there: since she left there, I heard him come in on an excursion and they passed my house, but I never saw him, and I spoke and says, there goes Mrs. McKamy, but I didn't speak to her.

Q When this Brooks-Baxter was war over did they elect their constables or appoint them, do you know that? A No, sir, only I know when the constables would come out like that, and they would say so and so is constable.

Q They don't allow you to vote down there? A No, sir, they don't allow us to have anything to do with politics, and I have less to do than anyone.

Q You don't know how many years McKamy stayed there? A No, sir, but I know he was there some time, between two and three years, he made two or three crops there and you can't make two or three crops in one year.

Q He made a crop at the same time he was acting as constable?

A I don't know whether he did, don't know whether he was acting as constable and making a crop.

Q You can't swear he wasn't making a crop at the time he was acting as constable, or having others to make a crop for him? A I don't know whether he was making a crop or not.

Mr. Davenport: I don't know whether I understood you when you answered Mr. Faulds' question as to whether or not you were married when you got acquainted with McKamy? A I remember him after I was married and I told him yesterday.

Q Do you mean by that you were married when you first knew McKamy's family? A No, sir, when I first knew McKamy's family I wasn't married then.

J. J. BEAVERS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence? A My name is J. J. Beavers; 45 years old, and I am now residing at Muskogee, Indian Territory.

Q Where did you formerly live before going to Muskogee? A I lived at Benton, Arkansas.

Q How long did you live in the State of Arkansas before going to Muskogee? A All my life.

Q You were living in the State of Arkansas then at the breaking out of what was known as the Brooks-Baxter war? A Yes, sir.

Q I wish you would state to us as near as you can, the date of the Brooks-Baxter war? A I don't know the exact date, of course. It was sometime in the spring of 1874.

Mr. Faulds: You say the actual fighting began in the spring of 1874? A Yes, sir.

Q There was a great disturbance there that, and talk of a constable? A No, sir, the talk of constable there that Brooks obtained against Baxter was as a stander also. Nobody was arrested at all, I

wasn't and these were others at my town were not expecting it at all.

Q Well this suit had been brought and there must have been some conviction when this suit was first begun? A Well, I am only speaking from information as to what I know as to how that matter went along, I know from information how the matter went along, but of course I wasn't present when the suit was begun or anything of that kind.

Q How far is this place, Benton, from Little Rock? A 25 miles.

Q Do you know whether they elected their constables over there or appointed them? A Now?

Q Yes? A They elect them, since the constitution of 1874, which was adopted in the fall of '74, and before that they were appointed.

Q And before that they were appointed you say? A Yes, sir.

Q And ever since '74 they have been elected? A Yes, sir, of course when there are vacancies they are appointed; that amendment was adopted to the constitution of our state two or four years ago, so that they are now appointed when there is a vacancy.

Mr. Davenport: From the year up to 1874, the adoption of the constitution, they were appointed - constables? A Yes, sir, that is my understanding.

Q Was there or was there not any demonstration of war between the Brooks party and the Baxter party in the State of Arkansas, until after Judge Whitcomb issued the writ of habeas corpus against Elisha Baxter?

A It wasn't Whitcomb, it was Wuylock; not, sir, not to my knowledge, I was in that one night straight and I expect I would have been in it if there had been one; of course I can give my understanding of how I understood the matter was to be determined, but that probably wouldn't be consistent.

AMANDA YARBROUGH, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name? A Amanda Yarbrough.

Q Where do you reside? A Willis Street, North Van Buren, in Argenta, Mo. 7011.

Q How old are you? A I put myself to be 34 or '5.

Q Don't exactly know how old you are? A No, sir, I don't exactly know.

Q How long have you resided in Argenta, or North Little Rock?

A Well, it is all the same, it is in Argenta.

Q How long have you lived there? A I can't tell you exactly how many years I have; at the old home place where I am living, I have been living there 22 or 23 years, where my husband died and left me.

Q Did you live at any other place in Argenta before you moved to the place you are now living? A Yes, sir, I lived down on the river near the school house when I first settled in Argenta.

Q Then you first lived on the river at the school house, did you colored man by the name of George W. McKay live near you? A Yes, sir.

Q About what was it you lived down on the river there, about how many years ago? A Well, it has been something in the neighborhood of where I tell you, I moved from there right up there in the crossing and made a crop there, right there, and I moved from the crossing right at the old home place.

Q Did this man, George W. McKay, that lived next you, ever occupy any official position in Argenta, or North Little Rock? A Yes, sir, he was a constable, and then he was a kinder school in Argenta.

Q Did you get acquainted with him before he was constable? A Lord, yes sir.

Q How long had you known him before he was appointed constable?

A It was several years, I think, I can't describe the years.

Q What, if anything, in the way of honor, did he do before he was appointed constable?

A I think I think he was a school teacher or something.

Q How long had you known him before he was appointed constable?

A I can't tell you the years.

name, it was an old settler near the Choctaw depot.

Q You know him then sometime before he was appointed constable?  
A Yes, sir.

Q Can you remember when the Brooks-Baxter war came out? A Yes, sir, a little bit, I can't remember what year, I think it was '74, in the spring.

Q Was George W. McKamy acting as constable before the war? A Yes, sir.

Q How long did he stay there, do you know, after the Brooks-Baxter war? A I can't estimate the time, but he didn't leave there till after the war.

Q Did you ever have a conversation with George McKamy, or hear him have any conversation with anyone else in your precinct, as to where he came from when he moved to Argenta? A Yes, sir.

Q Where did he say he came from? A From Alabama, from Stevenson, Alabama, and Roach Cave, he has got a brother-in-law down there now.

Q What is the name of his brother? A Ed Roach.

Q Did you know George W. McKamy's family? A Mary Jane?

Q I don't know which one? A Well, that is his wife, old Aunt Sallie Roach's daughter.

Q Did he have any children? A Yes, sir, has Jim and one named Mary Jane, and one named Almyra, and Newt, had two grandchildren there.

Q Well, have you seen the man since you came up here that was known there as George W. McKamy? A I seen him this morning.

Q Is that the gentleman sitting behind you (indicating)? A Yes, sir, he was down at my house not long ago.

Q What was it you said about his being at your house not long ago?  
A When he was at my house, he was down I suppose, I don't know his business, but he called there I know.

Q When was it he called? A It was in this month I think.

Q The last few weeks? A Yes, sir, it hasn't been over three weeks; in this month or the last of last month when he was at my house on a Sunday morning, him and his oldest son.

Q What is his son's name? A Jim.

Q Where is Jim living? A I don't know where Jim is living at, but Jim came up the road last Friday night or Saturday night.

Q Where had he been living prior to that time? A Right there.

Q In what country? A Right there close to me.

Q In Little Rock? A No, sir, Argenta, I don't live in Little Rock, north of Little Rock, the river divides us.

Q Did you ever know George W. McKamy, or the man known as McKamy, by any other name? A No, sir, when he came from Alabama he came there as George W. McKamy.

Q What was he when he lived there? A That was what he was, McKamy.

Q When he came to your house three or four weeks ago, what name was he going by? A I called him McKamy like I always did.

Q Did he say anything about his name being changed? A No, sir.

Q Have you heard since you came up here about his name being changed? A Yes, sir, I got in an argument with some ladies up here.

Q What name did you hear he was known by up here? A George Venn, that was a strange name to me, I didn't know him as that.

Q Have you a daughter named Annie? A Yes, sir.

Q Was she known at one time as Annie Sweet? A Yes, sir.

Q What is her name now? A Green.

Q She had some trouble with her husband once? A Yes, sir, and killed him too.

Q Can you tell that year? A No, sir.

Q Who was acting constable of the township at that time? A Mr. Doty and Mr. Mike Payne; he is our doors now.

Q Do you know who made the arrest in that case? A Yes, sir, Mr. Doty and Mr. Mike Payne I told you.

Q And George McKamy have anything to do with it? A No, sir, he wasn't there, there ain't no use talking that way, he wasn't there.



had done last there after the Brooks and Baxter war, I told you.

Q What he set down there the other week, was anything said about his claim up here for citizenship, as a freedman of the Cherokee Nation, did he say anything about that? A He said a little about it, talked to somebody else, said he had 160 acres of the best land up here, and I thought if they gave him that much that they ought to give me a little, because I am a poor widow woman.

Mr. Faulds: Did you ever apply to be enrolled as a Cherokee Freedman? A I don't know how.

Q Don't know how? A No, sir.

Q Your daughter Annie applied, didn't she? A I don't know what she done, I haven't been up here to see her, I haven't seen her in ten years before Wednesday morning.

Q She always claimed to be a Cherokee Freedman? A I don't know what she is, I know what I am.

Q You are colored? A Yes, sir, born colored and never changed.

Q You were born in Tennessee? A Yes, sir, and at Anderson Station, ten miles above Stevenson, Alabama; old John Anderson.

Q When did you come to this country? A Mister, it has been so long I just can't tell you, I have been here for a time.

Q Did you come here before the war? A I came here since I have been freed, I never come here before any war, I never left home because I was afraid I would starve to death.

Q You came here after the war between the Confederacy and the United States?

Mr. Davenport: I would suggest you state she came to Arkansas.

Q You came to Arkansas from Tennessee after the war? A Yes, sir.

Q How long after the war? A I can't designate the years after the war, but I came here after the war, my father was the cause of my coming here, leaving home.

Q Was that five or six years after the war? A Yes, sir, somewhere along there.

Q Ten years after the war? A I can't tell you how many years after the war.

Q You have no idea how many years it was? A No, sir, I can't.

Q Might be ten years? A Yes, sir, and might have been longer, I can't tell you.

Q Probably longer than ten years? A I can't tell you how long it was, I didn't come here to tell any tale, I came here to tell the truth.

Q Where was the first place you ever saw McKamy? A In Argenta.

Q That is the first you ever saw him? A He came there to his mother-in-law's.

Q His mother-in-law was living there? A Yes, sir, lived right near me, right door neighbors to me, and Mat Lakoyne and Ed Kirby, and McKamy lived on the back and I lived on this corner near the school house, there is where he settled when he first come to Argenta.

Q Do you know what year that was in? A No, sir.

Q You don't know what year it was you saw him there in Argenta the first time? A No, sir, it was long before the war though, Brooks and Baxter war, and he left there after that. Yes he will tell you he lived right there by me door neighbors, his children and mine played together, when I came here I didn't bring but three children, neither.

Q How old is Annie? A She can tell you, her record is right at home, the youngest is 27, going on 28, he was 6 months old when I come to this country.

Q Did George McKamy, or George Vann, marry his wife in Alabama?

A Mary Jane he did, yes sir, he brought Mary Jane to Argenta.

Q Went over there to get married and brought her to Argenta? A I don't know anything about going to get married, he didn't go over there he was over there.

Q You see them start from Alabama? A No, sir, his brother-in-law  
Q I am asking you about what you know? A I never saw him, I saw  
him after he moved there before he brought this wife with him, he  
brought Mary Jane with him to Argenta.

Q Did you ever see him before he brought his wife there? A No,  
sir, I never seen him that I know of.

Q Now when did he bring his wife there? A He brought his wife  
there when he came himself. I can't tell you when he came there,  
but he lived there, he lived there with the same wife, Mary Jane,  
that is all the wife I ever knew him to have.

Q Were these crops he was making in the Cherokee Nation? A I never  
said no Cherokee Nation, I don't know anything about no Cherokee  
Nation; don't ask me that I can't know.

Q Was he making crops ever there at the time he was acting as con-  
stable? A He was in Argenta when he was acting as constable.

Q I say, was he making crops? A He was running kinder of a res-  
taurant.

Q Wasn't he ~~justice~~ justice of the peace? A Henry Sutton and Squire Glass  
was ~~justice~~ justice of the peace.

Q Wasn't George McKamy acting as justice of the peace over there?  
A I don't know anything about the justice of the peace, he was  
acting as constable, him and Charlie Humphreys.

Q Your daughter Annie Green swore he was acting as Justice of the  
Peace in Argenta? A He was constable, I know that, Henry Sutton  
was justice of the peace; McKamy went out and arrested people.

Q After McKamy went out, did you ever see him back? A Yes, sir,  
he was down there not long ago.

Q Did you ever see him there in '85 and '87? A I don't know sir,  
whether he was there or not, I don't remember it.

Q Ever come around and talk to you? A No, sir, the first time  
I see him to talk to him he came down there a few weeks ago.

Q Didn't McKamy come down there and move his mother-in-law, Sallie  
Roach, up here in the Cherokee Nation? A McKamy was kinder scared  
to come down there, for some cause.

Q Answer the question? A I never seen him come down there and  
move her up here.

Q Do you know Sallie Roach? A She is dead, I can't know the dead.

Q Where did she die? A They say she died up here at George  
McKamy's house.

Q When did she leave there? A I don't know, I think he sent for  
her and her brother-in-law put her on and sent her up here to Fort  
Smith, I don't know that.

Q How many years ago was it she left there? A I don't know.

Q 15 years ago? A I don't know, I can't tell you.

Q You want to get on the roll and get 160 acres of land? A If  
you are going to give it to me, I will take it.

Q You think you are entitled to it? A I am entitled to all I can  
work for and that I can hold a claim to.

J. H. HAYERS, appearing before the Commission, and being duly  
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. H. Hayes.

Q What is your age? A 52.

Q Where do you live? A Muldrow, Indian Territory.

Q Mr. Hayes, how far is Muldrow from Fort Smith, Arkansas? A Well,  
it is about, at least 12 miles and a half.

Q It is north or a little north or west? A Fort Smith is nearly  
east of Muldrow.

Q How long have you lived in the section of the country between  
Muldrow and Fort Smith, Arkansas? A 24 years.

Q And you have there the next year, about 200 years after the war  
of 1876. A Yes, sir.

Q Where did you first locate, Mr. Bowers, when you first came there? A Right on the river bank opposite Fort Smith.

Q On the Cherokee Nation side? A Cherokee side.

Q What did you do for the first few years after the war? A Well, I was farming part of the time and was deputy marshal; that is, farming on a small scale and deputy marshal for about six years.

Q When did you move up above there; didn't you keep a boarding house up about half way between? A In '75 I moved up about nine miles west of Fort Smith on the Muskogee and Fort Smith wagon road, the stage road, called the Nine Mile House.

Q Prior to that time, from '67 to '74 or '5 you lived between the Nine Mile House and Fort Smith? A I lived in the river bottom about between four and five miles above Fort Smith.

Mr. Paulds: I object to this testimony on the ground that this witness has already testified to the same effect.

Mr. Hastings: I don't reckon you know what we are going to bring out.

Commission: The objection will be noted and the witness permitted to answer the questions.

Q State whether or not you enjoyed an extensive acquaintance with the people around in that section of the country ~~from 1867~~ for the six, eight, or ten years after the war? A Yes, sir, I did.

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

Q Did you ever know him by any other name? A No; from what I have heard, he had another name; I didn't know him by any other name only George Vann.

Q How far does he live from you now? A He lives about eight miles

Q How far does he live from that place, that Nine Mile House that you used to keep? A He didn't live in that country when I used to live at the Nine Mile House.

Q I mean how far does he live from that house now, not then?

A About six miles, or seven, when I became acquainted with him.

Q When did you first become acquainted with him? A Nine miles, it is eight miles.

Q I mean now; the question is, when did you first know George Vann, when did you first see him? A About '77 or '8; '77 I think it was.

Q You lived in that neighborhood from '67 to '77 did you? A Yes, in that part of the country.

Q State whether or not you knew all the darkies in that country between '67 and '77?

Mr. Paulds: I object to the question as leading.

Commission: Let him answer the question; the objection will be noted.

A I knew every colored man in that country down in that river bottom at that time, down from '67 to '75.

Q State whether or not this George W. Vann lived in that country between those dates? A I never knew him, never saw him there in that part of the country there during that time.

Q Was the country thickly settled at that time, Mr. Bowers? A No, very thinly settled.

Q State whether or not people noticed about strangers coming in there more than they do now?

Mr. Paulds: I object to such a question as what; what does he know about it.

Commission: The objection will be noted; let the question be answered.

Q State whether or not the people noticed the coming of strangers more than they do now. I they knew right off at that time of the coming of strangers, there were four or five people in that

country at that time, and what colored people were in there at that time were Cherokee freedmen, and belonged in there.

Q Could this man George W. Vann lived there for ten years in that neighborhood without your knowing it? A No, sir, he couldn't.

Mr. Faulkner: What did you say he came there? A In '67.

Q Where did you come from? A Lived over in Fort Smith

Q Once from Fort Smith over there in '67? A Yes, sir.

Q How long did you live at Fort Smith? A About a year and a half.

Q Just before you came over there to Muldrow? A Yes, sir.

Q Where did you come from to Fort Smith? A From Kansas City, in '66.

Q Came from Kansas City in '66? A Yes, sir.

Q Had you ever been in Fort Smith before you came there that time?

A Yes, sir, I was there during the war, I was a soldier.

Q What was your occupation in Fort Smith; deputy marshal? A No, not that time when I lived there, I was working for the government.

Q What occupation, what capacity were you working for the government? A Well I drove a six mule team a while, drove an eight mule team, and then I was made time keeper in the machine shop there of all the laborers and mechanics; that is the last job I had under the government.

Q You know all the colored people that came into Fort Smith at the time you were living there? A No, sir, I did not.

Q Do you know whether or not McKamy was a cook on the boat that carried soldiers up here in Fort Gibson time of the war? A No, sir, don't know anything about it, never heard about it.

Q Well, you testified before in this case, didn't you? A Yes, sir.

Q Just to these same facts? A Near the same.

Q You are here to swear the same thing over again, to make it all the stronger? A (No response.)

Q You say it was '72 you first got acquainted with McKamy? A When I first got acquainted with him was '77.

Q What was he doing then? A I don't know what he was doing then, he was down in the bottom doing something, I don't know what he was doing, I saw him there at the landing opposite Fort Smith.

Q Was't doing anything at all? A I don't know what he was doing.

Q What was his name, George Vann or McKamy? A I always heard him called George Vann.

Q Right there at the landing at Fort Smith? A Opposite Fort Smith, what we call the landing is the ferry landing on the Cherokee side.

Q Was he dressed up as a preacher or doctor or farmer? A I don't know whether he was dressed up as a farmer or preacher; I can't say, I saw him there talking around there.

Q You knew him to be a preacher down there? A I have heard it said he was a preacher, I don't know it.

Q Well, you married a Cherokee Indian yourself, didn't you? A Yes, sir.

Q And she died? A Yes, sir.

Q Did you marry again? A Yes, sir.

Q Married a white woman? A Yes, sir.

Q And you are claiming citizenship still, aren't you? A Well, I haven't set up any claim to citizenship.

Q You intend to? A I don't know what I intend to do.

Mr. Hastings: We are not trying his case.

Mr. Faulkner: Didn't you tell me the other time that you were a citizen of the Cherokee Nation? A No, sir.

Commissioner: I don't think that should go in the record, we are not trying his case, as Mr. Hastings said.

Q Didn't you say in your testimony before you were a citizen?

A No, sir, I did not.

Mr. Hastings: What official position do you hold now, if any?

A Foremaster at Muldrow.

Q Were you foremaster there once before? A Foremaster under the Har- rison administration four years, and going on five now under the

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Mr. [Name] to the testimony, on the ground that the [Name] was [Name] to testify in the same fact as testified to last spring.

The attorneys for the Cherokee Nation desire to serve notice on the applicant and his attorney that additional testimony on behalf of the Cherokee Nation will be taken before the commission on tomorrow, September 18, between the hours of eight o'clock, A. M., and five o'clock, P. M.

Mr. [Name]: Well we might offer some. I give notice that we will offer some testimony to-morrow on the part of the applicant.

Mr. [Name]: The applicant offers in testimony the judgment of the United States Court at Fort Smith, Arkansas, Judge Parker presiding, in which George F. Vann was charged with cutting timber on Indian lands, and it became necessary to know whether or not he was a Cherokee citizen.

Mr. [Name]: You are making an argument; state what you offer and leave that out about the argument, and argue that later.

Commission: State briefly what you wish to offer.

Mr. [Name]: To offer the record of the said court, the judgment is dated January 10, 1898, the record of the court holding that George F. Vann is a citizen of the Cherokee Nation.

Mr. [Name]: The Cherokee Nation objects to the introduction of the record, because the same was not made and the Cherokee Nation was not a party to it.

Commission: The objection is noted and the record will be filed.

Mr. [Name]: I don't want to state that this judgment is wrong on two grounds, first

Mr. [Name]: I will object to that; the record should be remembered with it.

George G. Jones, being duly sworn, says that he stated under oath 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.

*George G. Jones*

Witness my hand and subscribed before me this 17th of September, 1901.

*M. D. [Name]*  
*M. D. [Name]*

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, T.S., SEPTEMBER 25, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George V. Vann, et al., as Cherokee Freedmen, the following testimony is introduced as the part of the Cherokee Nation.

APPEARANCES:

Applicant present in person and by attorney J. J. Faulstich.

W. V. Hastings, Attorney for Cherokee Nation.

DELIA A. BREWER, being duly sworn by Commissioner Med-  
les, testified as follows: By W. V. Hastings:

- Q What is your name? A Delia A. Brewer.
- Q How old are you, Mrs. Brewer? A I am 47 years old, born Feb-  
ruary.
- Q What was your maiden name? A Delia A. Vann.
- Q What was your father's name? A Joseph Vann.
- Q Where did you live before the war? A I lived at Webster's Falls  
Canadian district.
- Q Is your father the same Vann that was blown up on a steam boat?
- A Yes, sir, he owned two steam boats.
- Q Where was he blown up? A Near Louisville on the Ohio river.
- Q You have some brothers and sisters? A I am all alone.
- Q I mean you did have? A Yes, sir, my mother had ten children.
- Q Did you have a brother by the name of Jim? A Yes, sir.
- Q Jim Vann? A Yes, sir.
- Q Was Jim Vann married? A Yes, sir, he married Amanda Cook.
- Q Where did Jim Vann live at the breaking out of the war? A I  
think he was living at Tahlequah.
- Q Was his wife living at that time? A Yes, sir.
- Q You were living at Webster's Falls? A Yes, sir.
- Q Were you married before the war? A Oh, yes, three children  
before the war.
- Q Had your brother, Jim Vann, any slaves that were freed?
- A Yes, sir.
- Q Do you remember their names? A I am so forgetful, I would know  
the names if they were called over, I remember the oldest negro  
woman named Hannah and Bill, but the children, I have forgotten  
the names. Yes, there was a child I owned a while, Dennis, and I  
think Emerson bought her.
- Q Do you know this applicant from here and given his name  
George V. Vann? A Is that his right name (referring to applicant)?
- Q Yes, sir? A No, sir.
- Q Did he ever belong to your brother, Jim Vann? A I guess not,  
Bill and Hannah was the oldest daughter they drew from our estate  
and of course he would be about the age of Bill, he claims to be  
George Washington?
- Q Yes, is it? A I told this man before that there was not but  
one George over about our place, and I was the lady that owned him.
- Q You owned him? A Yes, sir, I drew him from the estate.
- Q What became of that George? A He was drawn up to Kansas, as  
his brother told me.
- Q You know that this man is not that same George? A Of course I  
do, you don't allow to be that George?
- Q Well, you know that there is not one George that belonged to the  
Vann estate? A He didn't have Washington to his name as Bill  
was a splendid looking man.

Q About how old was that George when you was born?

A He was about my age I guess.

Q Then if he was living now he would be about 67? A Between 60 and 70 somewhere; old Daniel might know but they call me the dead, his brother.

Q When did you first see this man here? A I can tell you what I came to testify in his case before.

Q During the Kern-Clifton? A He was pointed out to me he looks to me younger than he did then.

BY MR. SAULDS:

Q Where were you born, Mrs. Brewer? A I was born in Surgoysplace, Mary County, Georgia, where the Georgians disposed the Cherokees in '34; is that alright?

Q When did you emigrate to this country? A In '39.

Q When did your father emigrate here? A He did; I came with him; his children was brought down with a detachment of Cherokees. He was funny and would not let the Government feed them; he owned over a hundred.

Q You say your father owned a hundred slaves when he started from Georgia? A I didn't say he did that, but I know about it since he died.

Q Now say you were born in '34 and you came here in '39? A Yes, sir, I remembered it because I described the matter minutely to my mother and brothers and they claimed I remembered it very well. I know nothing about Georgia; we had to go to Tennessee.

Q Did he fetch all his slaves here when he came on the steam boat? A It didn't come on a steam boat, my father had a boat built and we came on that.

Q You being only five years of age at that time, would you undertake to say how many slaves he brought with him to this country?

A No, sir, I will not.

Q It might have been 200? A No, sir; no George Washington came.

Q Well, I understand that some people say there were 175 slaves he owned, are you prepared to dispute that? A I think I can; he sold some.

Q Well, the year 1850; was he dead then? A In 1850?

Q Yes? A My father was killed in '44, when I was ten years old the spring previous to his death.

Q Well, did you know how many slaves he had at '44 at the time of his death? A About 100 hundred.

Q Well, he had a hundred then when he came here? A There was quite a number died after we came here to the Falls.

Q Did he buy any, acquire any? A Only what was here; no; he didn't buy any.

Q You were ten years of age when your father died? A Yes, sir, and that old fellow never saw him.

Q Well, you say you are pretty forgetful? A I am not, but I can remember things back then better than I could things that would happen now.

Q Your memory is not very good now? A No, sir.

Q Well, did you know the names of all the slaves he had at that time? Well, no, sometimes I never saw them for a year; there was what we called field hands that never came to the house.

Q Some slaves you would not see for a year? A Yes, sir, sometimes it was a treat to go up in the town we called it; the house was built one after another.

Q Some of these slaves were hired out, weren't they? A No, sir.

Q Some of them were hired out? A No, sir. They might hire let some of the women go around to work for some colored women just for accommodation.

Q Where were you living when the war broke out? A I am living in the place I am living in now.

Q Where is that? A It is near Riker, about eight, above Wetmore Falls, right opposite Cliff Street, in Cleveland District, Cherokee Nation.

Q Where was the man living at that time, your ancestor? A He didn't have any particular name, he was a lawyer, he worked at Tahlequah.

Q He didn't have any particular name at all? A Not that because he and his wife were separated.

Q Well, he didn't live at Tahlequah then when the war broke out?

A I don't know but what he did.

Q You said he had no particular name, now which is true? A I meant he was not there much, he had his household goods there, he watched there with Tom Taylor, a lawyer he practiced with.

Q He was a race horse man wasn't he? A Not particularly.

Q Did you visit him much? A Not much.

Q Did you ever go to see him? A No, sir, not while he was at Tahlequah, but I was when he was living at Park Hill with his wife.

Q When was he living with his wife? A That was previous to this time; he was, while I was a girl growing up.

Q Away back in the '40's? A Let's see I can't see the Seminary when did the Seminary open?

[Mr. Hastings answers 1850.]

Witness: Well, I was there in '51, '52 and '53.

Q Did Hayfield get part of the slaves after the steam boat was blown up that you speak of? A I think he maybe did get a family.

Q Did you know what slaves he got? A No, sir, I don't remember.

Q How many did he get? A I can't know; it speaks that he got some.

Q Do you know any of their names? A No, sir.

Q You say he owned a hundred slaves? A I could not swear that he did.

Q Well, how many names can you give me now of those slaves? A Of what slaves; that we owned?

Q Yes, that your father owned when he died? A I didn't want to take the trouble.

Q Well, give me the names? A There was one old Freedman negro, one.

Q Can you give me the names of one? A Yes, sir, I can give the names of twenty.

Q Can you give the names of fifty? A No, sir, I can't know whether I can or not.

Q Can you describe these slaves, what they looked like, whether they were small or tall? A What a foolish question.

Commissioner: Say yes or no Mrs. Brown? A Yes, yes.

Ky. Pauls: Do you describe them? A There is some right there just about such looking ones as those.

Q Are these some of them? A Yes, there is some right there.

Q Are these old Joe Vann's slaves, those was right here?

A Yes, I don't know but they are.

Q I asked you to describe some of old Joe Vann's slaves? A I told you they would some of them better than to say they looked about like them.

Q I say you can't tell me right from another than? A Why, I can when I know them; if I know I would have been otherwise questioned I could not have said.

Q You say you were ten years of age when your father died and you can't pretend to tell what slaves he had at that time and what their names were? A I know he didn't have but one George.

Q I am not asking you that question, you say you were ten years old when your father died, if you can tell some of the names of those slaves and describe them to me in that way if that were to be brought here, if you would know that?

Q Would you know any and you say at that age?

Q You say that you would not know? A I think I would know some of them.



Q How many slaves did you get for your share? A I think we got about seven apiece.

Q You got seven? A Yes, sir.

Q What was their names? A Alsis was the woman's name and she had two or three children and an old man; they had men to appraise the property and divide it as well as they could, and the old man I got his name was Caesar and his wife's name was Sarah.

Q Well, now, how many slaves did Jim Vann get? A He got the same as the others did. And when he married he got more than that given him by his father and he squandered them.

Q When was he married? A He married before my father's death in '44.

Q And how many slaves did he get on his marriage? A I don't know that; I was a child I could not remember.

Q You don't know the names of them? A Yes, I do, I told you their names, Mr. Hastings.

Mr. Hastings: He wants to get it in this record?

Witness: What he got through my father's estate what was given him when he married, that was old Hannah.

Q How many? A I don't know; Jennie because I owned her a while.

Q You don't know how many Jim got on his marriage? (No response.)

Q Well, did he have any before he got married that his father had given him? A I don't think he did.

Q And you say he got seven from the estate? A I ain't certain about that unless I was to sit and count how many I got; I think it was seven though.

Q Do you know the names of the ones Jim got? A No, sir.

Q Did you ever see them? A Of course I did; I don't know as I knew the young darkies' names because I had nothing to do with them; I would just see them around the place.

Q Would you undertake to say that your father didn't have some of these slaves hired out? A No, I would not positively swear that, but I would positively say I would not believe I did.

Q Now, Jim was a man who was addicted to drink considerable?

A Yes, sir.

Q And at times would be hard up? A Yes, sir, he generally made a raise pretty soon though.

Q Well, it would be most natural now for him to hire them out?

(Question objected to by Mr. Hastings, and sustained by the Commissioner.)

Q You would not undertake to say that Jim Vann didn't hire out some of his slaves? A I really don't know.

Q You said you never went much about him? A I say I didn't see much of his negroes.

Q You said you didn't go much about your brother? A He was batching in Fallowquah and I was married and alone and what would a woman have around a place like that?

Q How long did he batch there? A About two years.

Q You didn't go around him at that time? A No.

Q Did your father run racehorses? A He did back in the old Nation; he had a noted race mare he ran; she was brought from Kentucky and he named his steam boat from her--Lucy Walker.

Q He had a race mare by the name of Lucy Walker? A Yes, sir.

Q Well, who was the rider of Lucy Walker? A We had several boys that rode race horses, I don't know what one rode her.

Q Did you know the names of the several boys that rode the race horses? A One of the older ones was Tack, William Scooby got him at the time the negroes were divided.

Q Well, give us the names of the other ones? A Well, this George that belonged to me attended to the horses.

Q I want the boys that rode the horses, the jockeys? (No response.)

Q The fact of the business you don't remember much about what occurred there that day? A I have enough to know that there is

a fraud back there by you.

Q You have plenty of prejudice? A No prejudice at all, if he belonged to my father I would want him to come for his rights.

Q You have been talking about this with people? A No, sir; I don't have to keep my mouth closed on account of George Washington Vann he claims.

Q You have a pretty bitter feeling? A No, sir, I dislike falsehood; I think that man come to my house up here sometime ago and come up here laughing and said I wan the case up there and I said there was not but one George Vann, and I said I owned him and he went on to say some of the children, said Mrs. Levere, and that wasn't her name.

Q I want to ask you this question, of all the hundred negroes that your father owned, can you say there was only one by the name of George? A Yes, sir, he had a George, he had been sold before my recollection.

Q I mean at the time of your father's death? Yes, sir, I know there was not a George; I was ten years old before his death.

Q You say he owned no George at all at that time? A Might have been some little bit of a child I don't know anything about; I said I didn't know much about the field negroes.

Q You were ten years of age when your father died and you swear now that not one of the different hundred slaves he owned, not one had the name of George? A I know of the children one of them drawn one by the name of George and that was me.

Q Now, how many Johns were there and how many Jacks? A There were several.

Q And several Joes? A There is one Joe here.

Q What is his name? A I believe we called him Joe Bruner by his father.

Q And several Harrys? A One.

Q But there was not any George at all except the one you got?

A Not that I know of.

Q Well, now, how old was this Joe Bruner you speak of at the time of the death? A I don't know whether he was born then or not, but he was around our house there a great deal. Wonder where he is; I guess he can tell the truth you seem to think old George can tell the truth.

Q Now, when did you first have it brought to your mind that Joe Bruner had been a slave of your father? A First met him I knew him by his looks because his grandmother was one of mother's main cooks.

Q When did this meeting take place you speak of? A Here this morning.

Q You hadn't seen him before for how long? A Oh, I seen him the day the Federals came to the place, and I think Joe went to the Federals and I hollered at him.

Q That was away back in time of the war? A Yes, sir.

Q But you hadn't seen him since? A I don't know whether I had or not; sometimes I meet the old darkies and they always seem glad to see me.

Q You give your testimony you say before the Kern-Clifton Commission? A Yes, sir.

Q The same in effect it was now? A I never had any foolish questions asked me.

Q Did you have the same spite against this man you have now?

(No response.)

ANDY BROWLAND, being duly sworn by Commissioner Needles, testified as follows on the part of the Cherokee Nation.  
Examination conducted through Interpreter Simon Walkingstick.

MR. HASTINGS: What is your name? A Andy Crossland.

Q How old are you? A About 74 years old.

Q Where did you live before the war? A In Sequoyah district.

Q How far from Webbers Falls? A About twenty miles.

Q Did you know old man Joe Vann, known as Rich Joe Vann?

A Yes, sir, I know him.

Q Did you know his darkies? A They sometimes called him Rich Squirrel in Cherokee.

Q Did he have some slaves? A Yes, sir, he had quite a number.

Q Was his folks any relation to yours, to the people you belonged to? A No, they were no relation.

Q You know the applicant here, George W. Vann? A Yes, sir, I know him; I didn't know him before the war.

Q When did you first know him? A First time I ever saw him was just across the river from Fort Smith.

Q When was that? A It has been about 20 years.

Q Did you ever visit Joe Vann's darkies before the war? A Yes, sir, I used to visit them at Webbers Falls.

Q Did you ever see this man among them? A No, sir, I never saw him.

Q Was there a George Vann among them, man by the name of George?

A Yes, sir.

Q What became of him? A One George Vann was drowned, he was just a young man.

Q Did you know Ben Johnson before the war? A Yes, sir.

Q How far did you live from him? A About ten miles; he lived just across the river from Fort Smith, on this side.

Q Did you ever visit his darkies before the war, see them?

A Yes, sir.

Q Did you ever see this man this applicant, George Vann, down there among them before the war? A No, sir.

Q The first few years after the war where did you go; where have you been living since the war? A I first lived in Illinois about two years and moved into Sequoyah district and lived in Sequoyah district eleven years, and moved back to Illinois district where I now live.

MR. FAULDS: Did you know old Joe Vann when he first came to this country? A This Rich Joe Vann?

Q Yes, sir? A Yes, I didn't become acquainted with him until he came to Webbers Falls.

Q Well, when was that? A It must have been something like ten years prior to the war.

Q What year would that be in? A I am not able to state; I was raised by full blood Cherokees and had no opportunities to keep count of the time.

Q Ask him if he is on the enumerated roll of 1860 as a Cherokee Freedman? A Yes, sir.

Q How far from Webbers Falls was he living at that time, the witness here? A About twenty miles, as I stated.

Q From Webbers Falls? A Yes, sir.

Q Do you know how many negroes Joe Vann brought with him when he came to this country? A No, sir, we had no right or authority to make any investigation as to any number of slaves a man may have.

Q Did you know how many slaves Jim Vann had? A I don't know that I knew Jim Vann.

Q Does he say that he does not remember Jim Vann, a son of Joe Vann? A He just states that he didn't know that he remembers Jim Vann.

COMMISSIONER: Ask him if he knows Jim Vann, a son of Joe Vann?

A Yes, I had seen him but didn't know him so well as I did his father.

MR. FAULDS: Well, do you know how many slaves Jim Vann had at that time? A No, sir.

MR. HASTINGS: Who did you belong to? A Jack Dechras's father, French Jack.

COMMISSIONER: Was he a neighbor of Joe Vann's? A Yes, about twenty miles..

Commission adjourns until one o'clock, P. M. Taking of testimony continued by Stenographer J. D. Green.

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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 September 18th, 1901.

*C. R. Beckwith*

Commissioner.

RECEIVED

Continued from stenographer Reason.

To be filed with C.F. D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., Sept. 13, 1901.

In the matter of the enrollment of George W. Vann, as a Cherokee Freedman;

AFTERNOON:

APPEARANCES:

Applicant in person, and by his attorneys, J. F. Paulds and A. G. Wood.

W. W. Hastings, and James Ravenport, for Cherokee Nation.

- Testimony on part of Cherokee Nation.

DAVID WOOD, being sworn by Commissioner Woodlee, testified as follows:

BY MR. DAVID WOOD:

Q State your name, age and place of residence? A My name is David Wood.

Q How old are you? A I can't tell you, I am 60, 70 or 80.

Q Where do you live? A I live in Illinois District, Grapes Station.

Q How long have you lived in the Cherokee Nation? A All my days, my recollection, I was in the Cherokee Nation when I came to my recollection.

Q When you could first recollect where were you living? A Down at Wagoners Falls.

Q Did you ever know Joe Vann, what they called Rich Joe Vann, before the War? A Yes sir.

Q How far did you live from him? A I don't know how far, I lived on one side of the river and him the other.

Q Was you acquainted with his slaves that he owned? A So far as this I lived on this side and he lived on you side of the river, Saturdays and Sundays when I got a chance I would go over there Sundays and run after the she cows you know, in a courting expedition.

Q Well you had been on this place? A Yes sir.

Q Did you ever see this man by the name of George W. Vann, who sits here there around Joe Vann's place before the War? A Well, Joe Vann had a colored man that they called George.

Q Well was it this fellow that's here? (Indicating). A This is not the man I saw there.

Q Is this the man that was around that they called George? A Oh no, that's what I am telling you now, it wasn't him, so far, I am confident it wasn't him; he ain't the man; that man, the last I saw of that man just a while after the War commenced, the last I saw of him he ran away with some colored people, I think some of his relatives, and went North.

Q And you have never seen him since? A No sir, I saw his brother since, and asked his brother about him, that's all.

BY MR. PAULDS:

Q All you mean is that this isn't the George Vann that went North? A Yes.

Q All you pretend to say is that this isn't the George Vann went North? A No, that ain't the question they asked me; they asked me was this the George Vann that belonged to Vann? I say this ain't him.

Q You didn't know how many slaves he had named George? A No sir.

Q Did you know all of his slaves? A I knowed all the old ones, pretty much, there was the oldest one there there used to be an ever more they called Isaac, David, and three or four others there, and I have lost the names pretty much.

Q Did you know the youngest one? A Yes, that one was a brother of this George Vann, and I knowed him.

Q Did you know the youngest one? A Yes, that one was a brother of this George Vann, and I knowed him.

Q You know how many slaves he had? A I don't know.

Q Did you know the youngest one? A Yes, that one was a brother of this George Vann, and I knowed him.

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Q Did you know the youngest one? A Yes, that one was a brother of this George Vann, and I knowed him.

Q Did you know the youngest one? A Yes, that one was a brother of this George Vann, and I knowed him.

Q How many slaves did he have? A Well I didn't know them.  
Q You don't know how many slaves he had? A No sir. I was a slave myself, and couldn't count them, nor nothing about it, I was over there on a courtin' expedition and around among the young girls and took home.

Q The slave was a slave holder, his slave holder down there? A A he was the biggest. And there was John Brown, he lived down on the River from Vann.

Q How many slaves did he have? A I don't know; I think he had three or four women and I think there was four or five men, yes.

Q Did Webster live over there? A Webster lived on this side of the River.

Q At Webster's Falls? A Yes sir.

Q How far was that from you? A Well, it's about a mile and a half, maybe not so far, on this side of the River, old Webber lived. He had a big store up there.

Q When did you first get acquainted with Joe Vann? A Well I could not say, but after he come up on the boat and he got settled down there and you find out pretty quick, his traveling around, he owned a good many colored peoplin', I could see him across on this side once in a while.

Q What boat did he come in on? A Don't know.

Q Were you there when he came in? A Oh no, I think not; oh no, I paid no such attention; I was a slave; I couldn't pay such attention to that.

Q You had about all you could do to look after your master?

A That's right, only every Sunday.

Q Joe Vann was away from there, go pretty much on his steambot?

A He did run on the boat, yes sir.

Q He was a race horse man? A Yes sir.

Q Raced horses all through the country? A Well I don't know about throughout the country, but he did do it about Webber's Falls, that's all I know about it.

Q Just what you know is enough there, that doesn't amount to very much? A Well, what you ask me I answer it the best I can.

Q You have been with the Daves Corporation, you are employed by the GA race track? A Yes sir.

Q Got two dollars a day right along? A Well, if they give it to me I will.

Q Well, do you get it or don't you get it? A I don't know, sir.

Q Aint you got anything yet? A I have got some and some I aint.

Q But you expect to get it? A Well I don't know, depends upon circumstances, I can't tell what they do.

Q Going to work for nothing? A Well, if I can't help myself what else can I do?

Q You know the colored people, slaves, that Jim Vann had? A Some of them.

Q Didn't know all of them? A After old man Vann died - he got blowed up, - Jim Vann he married Louis Ross' daughter I think, it was anyhow across that Rosses, and he took some of the slaves over there at Sublequah, some of the slaves, I reckon it was his parties of the darkies he raised; he stayed there a while with them and then he sold them; there was a merchant called Emerson bought them slaves to send them off to his children, I don't know where they lived.

Q You don't remember to speak that George Vann had a lot of slaves of Jim Vann? A He is and the man that I married was George Vann.

Q They were sold there was a George Vann, about of Jim Vann, went North some place? A Yes sir.

Q Was I on looking you whether or not you are going to swear that he, George Vann, wasn't a slave of Jim Vann? A Well, I say if he was I didn't know him.

Q All you can't swear whether or not he was of a Vann, I suppose if he had been and I swear the law says I swear it; but there was a George Vann who lived there, I aint no doctor about him and he

George W. Vann cont'd 3

said he got drowned up here North somewhere.

Q But you are not swearing he wasn't the slave of Jim Vann? A But he ain't the one I saw.

BY COMMISSIONER NEEDLES:

Q Do you know whether this George Vann was a slave of old Jim Vann or not? A Not that I know of; not that I know of he wasn't; I don't know that I ever seen him until I saw him around this payment, that is the first time I ever saw him to my knowing at all.

Q You don't know whether he was or was not a slave of Jim Vann?

A No sir.

Q Do you know anything about the slaves Mayfield or after Joe Vann died, from the estate? A No sir, I don't know anything about them who runs the estate.

Q Do you know whether or not Mayfield got any slaves? A Not no more than say so; I heard them talking about Mayfield had slaves, but to see it and know it, I don't know.

Q All you know is what they talked about it? A Yes sir, that's all.

JOHN JOHNSON, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, and age and place of residence also? A I am 51, got's on 52.

Q Well, what's your name first? A Joe Johnson.

Q And your past-office? A Junkgee.

Q How long have you lived in the Indian Territory just? A Born and raised here, been here all my life.

Q What part of the Territory was you raised in? A Sequoyah District.

Q Was you a slave before the war? A Yes sir.

Q To whom did you belong? A Ben Johnson.

Q Was you acquainted with the slaves that was living on Ben Johnson's place before the war? A Yes sir.

Q Is this man here who is known now as George W. Vann belong to Ben Johnson or work on Ben Johnson's place there before the war or at the breaking out of the war? A Never did see that man before until about 10 or 15 years ago in this District.

Q When did you come back to the Nation after the war closed, or did you leave it? A I left it.

Q When did you come back? A Peace wasn't declared when we come back.

Q To what point did you go when you come back? A I went on our old place in Sequoyah, Ben Johnson's place; lived there seven years, built a house there, and then went to Flint District.

Q When you came back down there about the place where was this man George W. Vann, living there? A No sir.

Q When did you first see him? A Right here in this District; there was a big meeting going on here.

Q About how long ago? A Well I say it has been about 10 or 15 years ago since then; they had a big meeting here; that's the first I remember seeing him right there at that meeting.

Q And you worked the old Ben Johnson place several years before you came back here? A Eight years.

Q And he wasn't in there then? A No sir.

Q And he never was there before that? A Never was, I was big enough to notice a stranger if he come on the place.

BY MR. BAULDS:

Q You are 51 years old? A Yes sir.

Q You were a slave before the war? A Yes sir.

Q What were you working at before the war? A Riding horses for my young master.

Q Where did you ride? A I rode some parts in Knoxville, and some down in Sequoyah on the Sucker Prairie; I don't know what they call it now, that's what it used to call it.

Q Was that all you were doing, riding horses? A Yes sir.

Q How long before the war was it you begun riding races? A I couldn't tell you.

Q Ten years before the war, ~~was it~~ I suppose? A I don't know I said, I wouldn't put no time, because I don't know nothing about no dates.

Q You mean the war between the North and the South? A Yes sir.

Q Did you ride race horses for several years before the war?

A Yes sir.

Q How much did you weight? A Well I don't know anything about that, I may ha weighed a good deal, I don't remember th ever weighing me.

Q How old were you when you started to ride race horses? A I don't know, but I was big enough to hold horses without being girded on, and able enough.

Q When did Ben Johnson go away from there? A When the war was going on, I couldn't tell you what year.

Q How old were you when the war started? A I couldn't tell you nothing at all about that; I am just telling you what I know and no more. But that man there was never onout place, I know that.

Q On whose place? A Ben Johnson's.

Q You were there all the time? A Yes sir, never was nowhere else until we started South; they taken me away from there and there wasn't but three old men left there.

Q I thought you said you went away to ride races? A I said I rode races.

Q Wasn't you away from there riding races? A Well how long was I away, no longer than the race was run, and then I was in there again.

Q You were how old then? A I don't know how old I was; if you want to find out I can have a man brought here that's got his daddy's books, one of the grand-sons of them; if that's what you are after.

Q Didn't Ben Johnson go from that home on the bend of the River between Arkansas and Potoau before he went off? A That's when he first left home with his negroes.

Q He went onto the river and died, didn't he, and some of his negroes came back? A He was on his way back when he died; didn't die at the River.

Q His negroes came back? A Yes sir.

Q Did he have two negroes named Mose and Green and Iron? A Aaron was my oldest brother and Green was this Isam; I don't know where he get the Green part; I know who he is.

Q Who did you belong to you say? A Ben Johnson.

Q Was that all the kind of work you did, was to ride horses? A That's all I done.

Q That's all you ever did? A Yes sir.

Q You didn't didn't work down there in the Salt Licks? A No sir, I don't know nothing about no Salt Licks; I used to hear them talk about Mackey's Lick, but I don't know to-day where it is.

Q Do you know whether or not Jim Vann hired a negro to Ben Johnson for a thousand dollars? A No sir.

Q Don't know anything at all about it? A No sir.

Q Buri'd the thousand dollars? A Don't know nothing about it, never heard of it before.

Q There are lots of things you haven't heard of aint there? A That's all right about that, but here's this thing about it, that man was never in the yard.

Q Were you in the yard all the time? A Yes sir, right on the place only when they took me out to ride races; I knowed when a stranger come.

Q Well you seem to be pretty smart for a boy 17 or 11 years of age? A That's all right about my smartness, I am smart enough to make an honest living.

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

Q Chevelle Freeman? A Yes sir.



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Q. How did you get back to this country after the war? A. I never come told just what time I come back here, and you aint getting no more out of me; when we come back here peace wasn't declared; that's what they told me; we saw soldiers here that was mustered out after we come here.

Q. Where did you come to? A. Right to our old place on this side of the River.

Q. How far was that from Fort Smith? A. I call it about 2 miles; I come right there and build a house and stayed there eight years.

Q. You never saw this man at Fort Smith at all? A. No sir, I first saw him right here about 15 years ago, at a big meeting.

Q. You undertake to swear he wasn't here during that time? A. He might have been in this country, but I never saw him.

Q. You never saw him around Fort Smith right after the war? A. No sir.

Q. You are not going to say he wasn't there? A. He might have been there for all I know; I never saw him there.

Q. You don't know where he was living? A. No sir, I don't.

GABRIEL L. PAYNE, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q. State your name, age and place of residence? A. Gabriel L. Payne; 46 years old, Cherokee Nation, Sequoyah District, my post-office is Fort Smith, but I live on this side of the River.

Q. How long have you lived in Sequoyah District? A. Since '69.

Q. What portion of Sequoyah District with reference to Fort Smith, Arkansas, have you been living? A. Right across the river from Fort Smith, right on what you would call the landing.

Q. Are you acquainted with a colored fellow who goes by the name of George W. Vann now? A. Yes sir.

Q. This gentleman who sits there? (indicating) A. Yes sir.

Q. How long have you known him? A. I have knowed him since about February or March, '77, I couldn't say positive, about the last of February or the first of March.

Q. Where did you first see him? A. I first saw him there at home.

Q. On your farm? A. Yes sir.

Q. Did you have any business transaction with him that makes you remember? A. First business I had with him he picked cotton for me.

Q. Was there any other transaction that followed that? A. Well he has been working for me off and on up until- I don't think the old man has done any work for me in the last three or four years.

Q. When he first came to your place how long did he stay before he brought his family, if he brought them at all? A. My recollection he was there about two or three weeks before he brought his family.

Q. Did you have any conversation with him in regard to where his family was? A. He said they was at Argenta.

Q. If you had anything to do with aiding him bring his family I wish you would state the circumstances? A. When he was picking cotton for me he wanted money to get his family from Argenta, from what was Cherokee at that time, -Cherokee proper now is 4 miles north of what was Cherokee then; and he got me to pay the railroad agent at this end of the line the money for what his freight and things would be, and the agent ordered the agent at the other end to send them up; I give the agent the money to transfer his family.

Q. Did his family come? A. Yes sir.

Q. That was about what year? A. '77.

BY MR. FIELDS:

Q. That was in 1877? A. Yes sir.

Q. Came from Argenta? A. I don't know whether he came from there or not; he said he did.

BY MR. DAVENPORT:

Q. From the time you went to your place there in Sequoyah District, in '69, up to the time George came to your house in '77 had you seen

him in that locality or had he been living in that locality? A Not that I know of.

BY MR. PAULDS:

- Q He had some land down there near Fort Smith in the Cherokee Nation that you wanted to get, and you had him arrested? A I did not.
- Q Well, it was brought about that he was arrested and taken over to Fort Smith; weren't you there at the trial giving evidence against him? A Yes sir; I say he wasn't arrested in regard to that land at all.
- Q He was arrested for putting timber on Indian land? A Yes sir.
- Q Did you have him arrested? A No sir.
- Q You were instrumental in having him arrested? A No sir.
- Q Did you have a finger in it? A No sir.
- Q But you were there as a witness? A Not against him.
- Q Didn't appear the re- as a witness? A Not against him.
- Q You were there in the trial? A Yes sir.
- Q Did you testify in the case? A Not in his case.
- Q Whose case? A Fellow named Hicks.
- Q Do you remember the facts proven? A No sir; I think it was Clayton or Reed-
- Q Prosecuted? A Yes sir.
- Q In Table Mountain? A Yes sir.
- Q You were interested in that trial? A I was not, not in that trial.
- Q Didn't care how it went? A Yes sir I did.
- Q You wanted him acquitted? A No sir.
- Q Yet want d him convicted? A I did.
- Q You were claiming th. and he was on. A I was not.
- Q Well they had a trial over there? A Yes sir.
- Q And the jury without retiring from the box found he was a Cherokee Indian? A I don't know the decision in regard to that, I think Judge Parker claimed that on regard to his case being on controversy between the United States Government and the Cherokee Nation that he wouldn't take jurisdiction because it might have some figure in his case.
- Q You know the jury found he was a Cherokee citizen? A No sir, I do not.
- Q Do you want to see it? A No sir, I don't care to, it's none of my business.
- Q After that trial took place you went back over and had him arrested and brought up at Muldrow? A I did not.
- Q Wasn't he taken there and tried? A No, he wasn't tried there, we was suing him there, we was just suing for a piece of land.
- Q Didn't try him there then? A No sir, we brought the suit there at Muldrow.
- Q Wasn't he turned loose there? A No, he beat us in the case there, at that court; you couldn't call it turned loose.
- Q They decided there also that he was a Cherokee Indian? A No sir. I didn't go there, my brother attended to the trial at that time and when the trial went against us I took an appeal to the higher court and finally beat him at last.
- Q Got it down here before the Cherokee Indians and beat him? A Got it before the United States Court at Tahlequah.
- Q What year was that in? A Well I couldn't say positive, about three or four years ago.
- Q You say this suit you had at Muldrow was over some land? A Yes sir.
- Q You were bringing action against him for possession of the land? A He had sold his some land and then went and reconed it up again, and we brought suit for possession.
- Q He sold you this land? A Yes sir.
- Q What year was that in? A I can't be positive, I think it was in '88 or '89.
- Q When he sold you the land? A Yes sir.
- Q Was he living down there in '88 and '89? A I think he was.

Q Was he living there right along from 1877 until that time, '85 or '86? A No, in '81 I think, I won't be positive, I think it was '81, I bought everything he had, and he left this country, started to Cuba so he said, and he was gone a little over a year, probably, I ain't certain about that.

Q You said you were 46 years of age? A Yes sir.

Q And you had lived down there since 1869? A Yes sir.

Q How far were you living from Fort Smith in 1869? A Before we moved to where we are living now.

AQ Yes? A We lived at Greenwood, about 16 miles from Fort Smith; I was born there, but during the war when trouble came here we were hop, skip and jump about in Little Rock and Fort Smith, and in '66 I was going to school there at Fort Smith.

Q I want to know how long you lived at Greenwood 16 miles from Fort Smith? A I was born there I tell you.

Q How long after 1869 did you leave there? A I told you we left there in 1869 and moved to this place where we are living now; that's right across the river from Fort Smith, I think in the neighborhood of 20,000 feet.

Q Then you have lived there ever since 1869 right across the river from Fort Smith? A Yes sir.

Q You never saw anything of him now up until 1877? A No, no, 1877, that's I know of.

Q You might have seen him without knowing it? A Yes sir.

Q You know there is a whole lot of white witnesses around Fort Smith that knows he was around there? A I don't know anything about that.

Q Did you hear his trial at Fort Smith? A Yes sir, but I don't know that anything of that kind was brought up, I don't know that it was or wasn't, it has been so long.

Q Did the Indian Courts have jurisdiction over non-citizens at the time this case was brought up at Muskogee? A

J.P. DAVIS: That is a matter of law.

A I believe they ~~was~~ threwed it out on account of non-jurisdiction; I think the Cherokee courts threwed it out on that ground.

Q Threwed it out? A Yes sir.

Q Well then you didn't beat him there? A I beat him in the suit in the United States court, where I could get jurisdiction hold of him.

Q There was a United States Court at Tahlequah at that time was there? A Yes sir.

Q He was paid for the piece of land wasn't he? A Oh we paid him for that piece of land at first before we ever commenced a law suit and then afterwards he went and claimed it to be his own.

BY COUNSEL:

Q Are you a citizen of the Cherokee Nation? A I believe you people below claimed I was not, I believe the Cherokee Nation accepts me as a citizen.

Q Not as a citizen by blood? A No sir, by adoption.

WILLIAM FURMAN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVIS:

Q State your name? A William Furman.

Q How do you live? A Drake Station.

Q How old are you? A I don't know, oh, maybe how old I am.

Q Are you a Choctaw or Cherokee citizen? A Choctaw.

Q Are you acquainted with George W. Vann there? A I have seen him.

Q About how long has it been since you first met him? A About 4 or 5 years ago.

Q When you met him about 4 or 5 years ago where did you meet him? A First time I met him was out at Fushburn.

Q That was in the Choctaw Nation? A Yes sir.

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Q When you met him there did you have any conversation with him in regard to Choctaw citizenship? A No sir.  
 Q Did you have any conversation as to any kind of citizenship, as to his being a Choctaw or anything? A No sir.  
 Q When was the next time you met him? A At Fort Smith.  
 Q Did you have any conversation with him at all at any of these meetings with reference to his Choctaw citizenship? A No sir, I didn't.  
 Q Well then, you had no conversation with George at all with reference to his being a Cherokee Freedman, Choctaw Freedman, Choctaw by blood or Cherokee by blood? A No sir.

ALEXANDER DURN, being sworn by Commissioner Needles. Testified as follows:

BY MR. DAVENPORT:

Q Give the clerk your name? A Alexander Durn is my name.  
 Q Age, and your present place of residence? A My age, I am going on 66, and where I live now?  
 A Yes sir. I live in Sequoyah District, down near Pawpaw.  
 Q How long has Pawpaw your post-office? A Yes sir.

BY MR. DAVENPORT:

Q How long have you been there? A About ten years; I come there in '91.  
 Q Where had you lived previous to coming to the Cherokee Nation? A In the State of Arkansas, below Little Rock, in Pulaski County.  
 Q How long had you lived there? A I have been there ever since the war; when I come out of the army I was in that neighborhood in '66 I believe, '67 or '68.

Q During the time you lived in the State of Arkansas, Pulaski County, near Little Rock, did you ever know a colored man who went by the name of George W. Vann? A Yes sir.  
 Q Have you seen that man since you came up here in this case?

A Yes sir.  
 Q What name is he known now? A George W. Vann they say.  
 Q Is that the man who sits there? (Pointing to applicant.)  
 A Yes sir.

Q About how long did he live down there after you got acquainted with him? A I wasn't acquainted with him very long. I saw him down there in April, '74, and when I heard from him again he was in the Territory, in '77.

Q You then heard of him again in the Territory in '90? A Yes sir.  
 Q Did he ever talk to you anything about citizenship up here?  
 A To contradict me about it.  
 Q Did he say anything to you about proving up or speak to you about it having applied, or anything about that? A

ATTORNEY GENERAL objects.

BY THE COURT: Any conversation he had with Vann was proper.

Q State what he said to you about citizenship? A He was at my house. Told me I could get a right here if I wanted it. He could get me on the roll. I told him I didn't feel with Uncle Sam, because Uncle Sam was a dangerous man, and I considered myself one of his men. Feeling with the Government we might get into trouble. My wife advised me not to have anything to do with it.

BY MR. DAVENPORT:

Q When did he tell you that, about your being placed on the roll as a Cherokee Freedman? A Well it was about the year of '90. (To applicant): You remember it Vann; you came over there preaching?  
 Q Didn't you at the time claiming citizenship in the Cherokee Nation? A Never did.

Q Of your own accord? A Never did, and I never will.  
 Q Did Vann tell anything to you on this subject, at his own house? A No sir.

Q Did you ever see any other colored man who was certainly, in the Cherokee Nation, at any time; he was regular around there, and

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ting up a church, and was telling what a chance he had to get a  
"one."

Q That was near Little Rock? A No sir, that was right here in the  
Cherokee nation in '94.

Q I will ask you in reference to this conversation about his getting  
you on the roll, didn't you first accuse him with the remark that  
you knew him to be down there at Little Rock during the Brooks  
and Baxter was, and that if he could come to the Territory you were  
as much entitled to do it as he? A I never had a conversation  
with him around Little Rock. I will tell you just how I knew

him: Charley Morris got into a drunken spree right here when  
Brooks was making a speech, and he said now boys, Brooks said, now  
boys, would they back him in taking the Governor's boat; and we  
agreed that we would. Well this man Morris, he was drunk, and when  
he got drunk McKamy came in to take him, George McKamy; that's  
how come me to know this George McKamy, as a constable. We boys  
lived in Hill Township and McKamy lived in Eastman, and we wouldn't  
let him have him; took Morris away from him. Next time I heard  
from George McKamy he was here in the Territory; this Snowden come  
here to see Charley Morris, and said George McKamy was here in  
charge of a church, and Morris was one of his members, the man he  
had tried to arrest.

Q When was the first time you ever met George McKamy, alias George  
W. Vann, in your life? A It was in April, 174.

Q Where at? A At New Town Church, in Pulaski County, Eastman Town-  
ship.

BY COX'S EXAMINATION: Q Was it in Arkansas? A Yes sir, in Arkansas.

BY MR. MORRIS:

Q Did he have a family? A I don't know anything about his family,  
I never saw him no more after that until I come up here; I may  
have saw him in Argenta town in passing, I don't remember though  
whether I did or not; but that's the time I saw George McKamy.

Q Now from this particular time when was the next time you met  
him, and where was it? A I met him right here in the Territory,  
right around Pampaw; he come there in '74 to get up a church.

Q Come to Pampaw in '74? A Not in '74, but in '84, '94 I saw him  
at the Brooks and Baxter's.

Q Now isn't it a fact that you have been instructed to tell  
a certain line of testimony in regard to this matter? A No sir.

MR. DAVENPORT: By when do you undertake to say he has been  
instructed, Sir?

MR. MORRIS: I haven't charged any one.

COX'S EXAMINATION: That's by-play; go on with the examination.

Q Where do you live now? A I live in Sequoyah District.

Q Now where did you come from when you came to Pampaw? A I come  
from Pulaski County.

Q Where is that? In Arkansas.

Q Did you live within close proximity of George W. Vann now? I  
guess live six or seven miles up off; I never had been to his  
house; he lives somewhere down about Cherokee and I live near  
Pampaw.

Q When you first met him in 1874 at Little Rock, as you have dis-  
played, where did he come from? A I do not know.

Q Now I had my conversation with him as to where he come from?  
A No sir.

BY COX'S EXAMINATION:

Q When you had the conversation with George W. Vann here that you  
refer to in your testimony in regard to statements he made to you  
as to getting you on the roll, did he say anything about getting  
on the roll himself? A He said I was on the roll; that is, he said  
he had a right here, and he could get me on and my family.

Q He didn't say he was going to try to get a right, but that he  
had a right? A Yes sir.

JOSEPH DUNN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Joseph Dunn.

Q Where do you live? A About eight miles south of Muldrow.

Q What is your post-office? A Pawpaw.

Q How old are you? A About 48.

Q Where did you live before you came to the Cherokee Nation? A I lived up until '67 in Polk County, Arkansas; after that I lived in Pulaski County, Arkansas, until '90.

Q Did you ever know a colored man down there named George W. McKary? A Yes sir.

Q Is the gentleman sitting there the same man you knew by that name (indicating applicant)? A Yes sir.

Q What was he doing down there when you saw him? A When I first saw him I was working on the Little Rock & Memphis Railroad, I think that was in '72; he was there at Argenta; I don't think he was following anything but following the courts around there, - and in '73 I worked in the bottom, and he was constable in Argenta, in the latter part of '73; I disremember whether it was Eastman or Mill Township at that time that he was in, the township was out into since then.

Q The second time you saw him around there he was constable in '83? A Yes sir. And I think in '78 he was constable too, or deputy or something, if I mistake not.

Q How long after that did you remain around Little Rock? A I remained there until '74, the Brooks & Dexter war; I went up in Perry County and stayed about four months there; dropped back to Terry's Ferry; it is called Scott Crossing now.

Q Was McKary still in Argenta when you left in '74? A Then I left there he was.

Q Do you know whether he had a family then? A I don't know.

Q How long ago did you come up here? A In '91.

Q Are you living down there near where your brother Alex is? A Yes sir.

Q Have you, since you moved to the Territory, had any conversation with George W. Vann now, who goes by the name of George W. Vann now? A When I first saw him out in the Territory I had been down to Fort Smith attending court, and at Cherokee I think he got on the train, coming up, and I made myself known to him, and I asked him what he was doing and he went on to tell me, I began to then to ask him how land was, about locating lands, and told him where I was living, and he told me he was living near Jacktown, I don't know where that was, and I asked him was he renting, or some way that way, and he mentioned to me that he had a right here, and I began to question him a little further and he said he was a citizen, and he said it was no trick to be a citizen.

BY MR. NEEDLES: Now your honor, I object to this evidence; it's all right to put in any evidence as to what George Vann said as to his own citizenship, but as to what he said about somebody else's citizenship would be entirely incompetent, irrelevant, to this case; got nothing to do with the case. Might as well bring up a conversation relating to any other matter entirely foreign to the issue. Anything he might say as to his own citizenship might be admissible, but as to what he had said of this matter is not and I believe has nothing to do with the case.

BY MR. DAVENPORT: I will state to the Commission that I will stop the witness whenever he gets off.

BY COM'R NEEDLES: Any conversation George W. Vann had with the witness about his own case is admissible.

BY MR. DAVENPORT:

Or that he might say about making these fellows, if anything.

BY COM'R NEEDLES: I don't think that's entirely competent, that

he might have said; he is not charged.

BY MR. EASTINGS, Cherokee Representative: This Commission is getting at the facts in these cases, and if this man assumes that that man has done that with these people and wants to get up citizenship cases when he has no rights and he knows he has got no rights, this Commission ought to know of it.

BY MR. FAULKS: A man doesn't come here to defend every act of his life. The question is whether George W. Vann is a citizen or not; there are a great many citizens in the country who have been manufacturing evidence for persons who ought not to be - I don't know as I ought to say that, but the Commission has had information that even citizens whose rights were not disputed had been in the business of manufacturing evidence for applicants, and if they had it wouldn't deprive them from rights of citizenship if they had.

BY MR. DAVENPORT: It doesn't go into this case to the real reputation of the man, but here's a man whom this man has known in Arkansas and says I have gotten no a right and I can get you up one, and I want him to tell it.

BY MR. DAVENPORT:

Q Did George W. Vann in that conversation about having told you that he had a right up here, and that it was no trick to get a right, try to get you to apply, and offer to set up the testimony?

GOV'R WHEELER: You need not answer that. I don't think that is proper in this case.

MR. DAVENPORT: We except; I asked the question so as to get it in the record.

BY MR. WHEELER:

Q You saw the first time you met the alleged applicant here George W. Vann, was in 1872? A First time I ever remember seeing him, yes sir, as well as I recollect, I won't be positive.

Q Where did you see him? A In Argenta, called Cocklebury town then.

Q And that same year he was commissioned constable? A I don't know whether he was commissioned that year or not, I was working on the railroad and when I saw him in '72 I was working in the yard, and I moved in the bottom and stayed until '73, and when I came back from the bottom in '73 he was appointed constable.

Q Appointed constable? A Yes, yes well he was acting constable.

Q Who appointed him? A I don't know; I was in the bottom at that time, when he was appointed.

Q How long did he remain in Argenta? A He remained there in Argenta up until the Brooks and Baxter war, that was in '74.

Q How long did he remain in Argenta after the Brooks and Baxter war was over? A I don't know, sir.

Q When did you see him last in Argenta? A 1874.

Q Then when did you next see him? A To my remembrance when I next saw him it was '91 or '92 here on the train.

Q Where were you living then? A Bristol at Argenta.

Q Did you know him before the year 1872? A No sir, if I did I don't know it. I knew him at the time I saw, I might have seen him if he had been about Argenta, but I don't recollect him from that time up.

Q From the time you first met him until you last saw him was you acquainted with him for a considerable while, a associations with him? A At the time I was in town, while I worked there in the fall of '73 I saw him every day, and when I came back in '74 I was in the court there I believe.

Q Did he have any objection besides that of a constable? A Not as I know of.

GOV'R WHEELER: Case on the part of the Cherokee Nation will be adjourned until eight o'clock to-morrow morning.

George W. Vann cont'd 12

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

M. D. Green

Subscribed and sworn to before me this September 23rd, 1901.

C. R. Bucknitty,

Commissioner.



File with Cherokee Freedmen D- 13. July 11 1901

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

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

Appearances:

J. F. Faulds, attorney for applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner Needles: The attorney for applicant complains that a subpoena was issued for one Green Johnson, a witness on behalf of the applicant, said subpoena ordering him to appear before this Commission on the 24th day of September, 1901, and prays, said witness not having obeyed said subpoena, that an attachment will issue, and the same is ordered, and Anderson Tatum is appointed special deputy by the Commission to serve said attachment.

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

*Bruce C. Jones*  
Sworn to and subscribed before me this the 3rd of October, 1901.

*[Signature]*  
Commissioner.

File with Cherokee Freedman, D-116, George W. Vann.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 26, 1901.

In the matter of the application of George W. Vann et al. for enrollment as Cherokee Freedman.

Supplemental testimony introduced by applicant.

Appearances:

A. S. McRea, attorney for applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: What do you desire to prove by these witnesses?

A. S. McRea: That the applicant was here in 1866.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the introduction of any more testimony by the applicant upon that point, because it is not rebuttal of matter brought out by the Cherokee Nation, but it is one of the points originally in issue, upon which testimony was introduced.

JOHN McDONALD, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McDonald.

Q What is your age? A About 56 years old.

Q What is your postoffice? A Dongo.

A. S. McRea: How long have you lived in the Cherokee Nation? A I have been living here all the time.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first see or know him? A When I first got acquainted with him, he was working on a boat, the old Fort Smith, coming up backwards and forwards here, fetching provisions.

Q When was that? A That was in the year of 1866.

Q You say he was working on a boat? A Yes, sir.

Q Do you know of your own knowledge that he has been living in the Cherokee Nation since 1866?

Mr. Hastings: I object to that.

Commissioner: How long has he been living in the Cherokee Nation to your knowledge? A His farm is just above me and he has been here ever since I have been acquainted with him, backwards and forwards.

Mr. Hastings: You have had a farm here ever since? A I have had a farm there for 25 years.

Q You said since '66? A I have been acquainted with him since then, and I don't know of him being out of the Nation.

Q Where were you in 1866? A I was right here.

Q Here in Fort Gibson? A Here in Fort Gibson and different places in the Nation.

Q What were you doing? A I was working all the time.

Q Who was you working for? A Part of the time I was working for old Charley Journeyoke and for Bartle up there.

Q Jake Bartle? A Yes, sir.

Q Jake Bartle married a Delaware? A Yes, sir. He married old Charley Journeyoke's daughter, yes, sir.

Q And that was the same year you saw George Vann down here? A Well for that matter I was working here, I was, but I was working backwards and forwards, I was here in '66.

Q That was the same year you saw him here? A In '66.

Q That was the same year? A I saw him in '66.

Commissioner: He asked you if the year you were working for John

Bartle was the same year you saw him? A I don't recollect exactly but I saw him in '66.

Mr. Hastings: what year were you working for Jake Bartle? A In about '66.

Q And you worked for Journeycake in the same year? A Yes, sir, at different times, I just worked backwards and forwards through the family.

Q Where did you get acquainted with Journeycake? A When I was up there, he used to live on Big Creek.

Q Was anybody up on Big Creek when you went there? A Yes, sir.

Q Have houses? A So a had houses, and just building, just starting.

Q In the spring of '66? A Well they had just made the houses, little houses, some of them just cutting and moving in.

Q Had farms? A No, sir, had little patches.

Q Who did you see up there in the spring of '66? A Why I seen a good many people.

Q Name some of them? A Jake Sanders? A You saw him in the spring of '66? A I saw him and all them.

Q Where did you come from when you came to Sequoyah? A When I come to Sequoyah, where did I come from?

Q Yes? A Why I come from the Nation.

Q From Big Creek? A Yes, I was down here in the Nation, and part of the time I lived on Grand River a while.

Q What was the name of that boat you say George worked on? A Fortt Gibson.

Q By the name of Fort Gibson, was it? A Yes, sir, and she sank not far from Fort Smith, she is right there now.

Q That was in '66; what was George doing on there? A He was the cook.

Q Have his wife on there? A I didn't see no woman.

Q Didn't he have any children? A Well he had a house of children.

Q Where was his house? A On the bank, on this side.

Q You saw them? A Yes, sir.

Q You were at his house? A No, sir, I wasn't at his house.

Q You saw them, how was that? A Well I could see the house up at the distance.

Q Did he have a little farm there on this place? A He wasn't farming, he was running as a cook.

Q How far from the river was his house? A Not far, I suppose about 50 yards or such matter to my knowledge.

Q Didn't you come to this country with Randolph White? A Randolph White?

Q Do you know him? A Yes, sir.

Q Where did you get acquainted with him? A When I left for here and got acquainted with him and he and I fetched him back here.

Q Where is Randolph now? A Right down here.

Q How far from here? A Not very far.

Q He knows when you came back here? A Certainly for I took him and went and fetched him back.

Q Where did you bring him from, Ohio? A I fetched him from Ohio.

Q What year did you bring him in? A When I fetched him I don't know exactly what year it was.

Q How long after the war? A I can't know, I think it must have been about '66, or some such matter, something about that time.

Q You know his own there? A No I didn't, he was just a little boy.

Q Didn't you try to claim to be a Delaware? A I do part Delaware, Charley Journeycake, sir, have always claimed to be his relatives, you can tell by the looks of me I must be something else besides Charley.

Q Who did you belong to before the war? A I belonged to before the war? A old John Glass.

Q Where did he live? A lived up in Flint District.

Q You are an applicant for citizenship? A Yes, sir.

Q You are the fellow that joined the army in Ohio? A Yes, sir, after I ran away from here and went away and joined, but I came back here, I came back again.

ANDERSON TATUM, being duly sworn by Commissioner Needles, testified as follows:

A. S. Moran: Your name? A Anderson Tatum.

Q Your age? A About 58 years old.

Q Your postoffice address? A Bengo.

Q How long have you lived in the Cherokee Nation, Mr. Tatum? A Well I have lived in the Cherokee Nation off and on for about thirty some odd years.

Q You acquainted with the applicant, George W. Vann? A Yes, sir, I know him.

Q When did you first become acquainted with him? A First time ever I saw him was in '67, in the year of '67.

Q What part of the year '67? A It was along sometime in the first part, I won't be positive what time it was.

Q Where did you meet him? A I met him at Fort Smith the first time ever I saw him, between Fort Smith and Van Buren.

Q Did you have any conversation with him then? A Yes, sir, slight.

Q What was the nature of that conversation?

Mr. Hastings: I reckon he will not tell that, that conversation.

Q Well, in that conversation that you and he had did he tell you where he lived? A Yes, sir.

Q Where did he say he lived?

Mr. Hastings: Now don't you tell that, I object to that.

Commissioner: That has been the habit, to hear any conversations that the applicant had with the witnesses.

Mr. Hastings: If it is a declaration against his interest. Comes now the representatives of the Cherokee Nation and protest against the offering of the conversation had with the applicant in his own interest, on the ground that a declaration in interest is never admissible under any circumstances.

Commissioner: Maybe according to the strict rules of evidence it would not be, but we have been admitting it.

Moran: Where was he living, did he say? A Said he was living on Garrison Creek in the Cherokee Nation at that time.

Q Have you been seeing him continuously since then? A Well off and on I saw him after that, once in a while, but not very often, till here about a few years back.

Mr. Hastings: Where did you live at that time? A No, I lived in Crawford County.

Q And you never saw him before up to that time? A No, sir.

Q And you met and had a talk with him? A Yes, sir.

Q And now you are called upon 23 years afterwards to remember it?

A Yes, sir.

Q A talk that you had with a stranger, you remember that, do you?

A I remember being called on.

Q How long did you live in Crawford County then, after '68; how long did you continue after that time to live in Crawford County, Arkansas?

A Lived there off and on several years.

Q When did you first come to the Cherokee Nation? A That has been thirty some odd years when I first struck the Cherokee Nation.

Q You know what year you came here? A No, sir, I don't, I went through this Nation when the cave was all down on the river.

Q When did you first settle in here, come up here to live? A When I first came up here it has been some thirty odd years.

Q You live near some Vann down there? A No.

Q No, then? A No, sir.

Q You live near him now? A Yes, sir.

Q How did you first get there? A I got there the better part of the

Goodman lease, near Bob Owens.

Q How far is that from Fort Smith? A I think they call it 11 miles, I will not be positive.

Q Did Bob Owens own a place? A Yes, sir, when I first settled there to live he just had settled down, but you asked me what was the first time I was in the Cherokee Nation and I told you thirty some years, but I didn't settle down then.

Q How long ago has it been since you settled down there? A Going on eight years I believe, I will not be positive as to that.

Q Where did you come from? A Arkansas.

Q What county? A Crawford County.

Q And you settled by Bob Owens about eight years ago? A No, sir, not by Bob Vann about eight years ago.

Q How far you live from him? A About four miles and a half on this valley line, between Muldrow and Cherokee and Hayward Youngblood's place.

Q How far did you live from Vann? A Something over a mile, maybe not so far.

A. S. Moran: You say that you have seen Vann off and on since the first meeting? A Yes, sir.

Q Do you remember where you seen him? A Yes, sir.

Q Where at? A I saw him at Fort Smith and in the Cherokee Nation here and several places in the states several times, I go backwards and forwards from here in the state a good deal, and the Indian Territory.

Mr. Hastings: Now don't you know that there wasn't never such a thing known as Garrison Creek until very recently the little branch has been named that? A No, sir, I don't know, for when I first saw it they called it Garrison Creek.

Q You ever tried in the Courts for anything? A Yes, sir.

Q Where? A I was tried, let's see, I was tried at Van Buren one time for fighting.

Q Ever tried for anything else? A No, sir.

Q Never arrested for anything else? A No, sir, not in my life.

Q Been arrested only the one time? A Been arrested several times for fighting, I used to be pretty bad for scrapping.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the date of the Delaware Agreement made on the 8th day of April, 1867, under which the Delawares removed to this country.

OOOOOOOOOO

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 5th day of October, 1901.

*[Signature]*

Commissioner.

SUPPLEMENTAL C.F.D-115, George W. Vann.

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

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

TESTIMONY ON THE PART OF THE APPLICANTS:

Appearances:

Applicant in person and by attorney, J.F. Faulds.  
W.W. Hastings, of attorneys for the Cherokee Nation.

GEORGE MOODY, being sworn by Commissioner Needles, testified  
as follows:

BY MR. FAULDS:

- Q What is your name? A George Moody.  
Q What is your post-office address? A Fort Smith.  
Q How old are you? A 47 years old the 10th of August.  
Q Do you know old George W. Vann here? A Yes sir, I know him.  
Q Do you know Annie Green? A Yes sir, I know her.  
Q You remember the circumstances of her killing some man over  
there in Argenta? A I remember the circumstances of her killing  
her husband, Evans Green.  
Q Were you living in Argenta at that time? A Yes sir.  
Q Do you know if George W. Vann was there? A Yes sir, I know he  
was there; I know they were there directly after the shooting.  
Q Go on and tell what occurred? A Betwixt 9 and 10 o'clock George  
W. Vann as you call him, we call him Mack McKamy, and then we was  
all coming from church betwixt 10 and 11, and John Bynan, another  
fellow, and we heard screaming over towards the old mill what they  
called "Cocklebur town", and we rushed over there.  
Q Who rushed over? A George Vann as you call him, we called him  
Mack McKamy there; we all rushed over there to the door, and he  
got there first and knocked on the door.  
Q Who is he? A Mack McKamy, and knocked on the door, - that's what  
we called him, Mack, and we knocked on the door and there was an old  
lady screaming and Evans was lying at the door shot, and he told  
her to open the door -  
Q Who? A Mack McKamy; and she asked who it was, and he says Mack  
McKamy, the old constable, and says if you don't open the door I  
will break it down, and she got up and opened the door.  
Q What did you do? A Stayed there to keep her there until the  
next morning, and next morning if I make no mistake the constable  
was named Shellcut, a white man, come over there and taken her and  
carried her to jail.  
Q You say Vann was there? A Yes sir. That man (pointing to the ap-  
plicant) he was the man who was there and told them if they didn't  
open the door he would break it down.

BY MR. HASTINGS:

- Q When was that? A I think it was somewhere in '80 or '70; I don't  
remember exactly what time it was.  
Q You know the difference between '80 and '70? A I know '70  
comes before '80.  
Q How many years ago was that? A I doesn't remember, I am not a  
book of record, I can't tell exactly how many year it was.  
Q When did you leave Argenta? A When did I leave there?  
Q When did you quit living there? A I left there, I don't know  
exactly the time I left there, I have been here about 8 years.  
Q How long was it before you quit living there that this occur-  
red? A I couldn't remember the time, it was somewhere in '70 or  
'80 when this occurred.  
Q Can't you come within 10 years of it? A I said I don't remember

George W. Vann et al.

exactly the time, but I know it was down in that time.

Q Between '70 and '80? A Yes sir.

Q Do you know it was done before '90? A No.

Q Do you know it was done before '90? A No. I don't know it.

Q Do you know whether it was done before or after the war? A Why it was after the war I guess when it was done.

Q Do you know how many years after the war? A I do not.

Q Were you married at that time? A I was married at the time.

Q Do you know when you married? A No sir I don't.

Q Was George Vann constable at that time do you know? A No he was not constable at that time when he arrested that woman, but I know he was a constable down there.

Q He went in and arrested her and wasn't no constable? A No, he wasn't no constable.

Q Who was with him? A I told you I was with him and John Bynum was with him.

Q Who was it who was alleged to have killed at that time? A Evans Green, that was her husband.

Q Did you know George Vann down there? A I knowed that man there.

Q What, McKany? A Yes, that's what we called him.

Q How long did you know him? A He came there my first seeing him was the time of the Brooks and Raxter War, he was appointed constable there.

Q You never saw him before that? A No sir.

Q You don't know when the Brooks-Raxter war was? A No I doesn't know now at the present time when it was.

Q About two years after the war? A I says I don't know.

Q About how many years after the war? A I don't know, I know it was there.

Q Well, he stayed there until after this killing did he? A No, after he got out of office he went away from there, and come back there.

Q How long had he been there at the time of this killing? A I don't know, first time I saw him was the Brooks and Raxter War.

Q At the time this killing took place how long had he been down there? A Oh I couldn't tell.

Q You don't have any idea when it was? A No I don't, but I know he was there that night; I am sure he was there.

BY MR. FAULKNER:

Q Have you any idea of date? A You know what year this is, or what year was 10 years ago? A No, I know this is 1901, I know that.

Q How many people were there around there that night when this killing happened? A When we first got there we was the first three men there that got there, and we ran over there and there wasn't but three men there, but there was a crowd gathered there afterwards.

M. D. Green, being first duly sworn, states that he stenographer to the 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 \_\_\_\_\_ day, 1901.

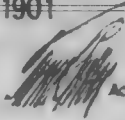
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 12 1901

DEPA  
COMMISSIO



ACTING CHAIRMAN



TERMS OF COURTS.  
COMMON COURT - Terms begin first Mondays in  
January, April, July and October  
SUPREME COURT - Terms begin second Mondays  
in January, April, July and October

# R. G. PELLOW

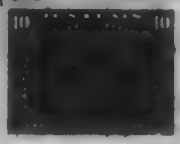
CLERK OF THE COUNTY AND  
PROBATE COURTS,  
PULASKI COUNTY.

JOE ASHER  
C. F. MARTIN  
HENRY O. VOGLER

DEPUTY CLERKS

LITTLE ROCK, ARK

190



State of Arkansas } ss.  
County of Pulaski }

I, R. G. Pellow, County Clerk  
of Pulaski County, Arkansas, do hereby certify that  
it appears on the Roster of Township and Precinct Officials  
of Pulaski County, Arkansas, that George W. McCamoy  
was appointed Constable of Eastman Township, June 10th  
1873, and that he qualified on the same day.

In testimony whereof I have hereunto  
set my hand and affixed the seal of the  
County Court of said county at office  
in Little Rock, Ark. this 19th  
day of June 1901.  
R. G. Pellow, Clerk  
By Joe Asher, D.C.

COMMISSION

1900

IN THE PULASKI CIRCUIT COURT,

..... Division.

STATE OF ARKANSAS, }

COUNTY OF PULASKI. }

Be it Remembered, That on the 15th day of April, 1874, a day of the February Term, 1874, of the Circuit Court of said County, the Hon. ~~Joseph W. Mansur~~ John Whytock, Judge of the Second Division of said Court, being present and presiding, the following proceedings were had, to-wit:—

Joseph Brooks, Plaintiff,

vs.

Elisha Baxter, Defendant.

The demurrer filed by the defendant to the complaint of the plaintiff having heretofore been submitted to the Court and taken under advisement and the Court being sufficiently advised of law arising thereon, overruled the said demurrer, and the said defendant failing to answer and there being no answer to said complaint the same is taken for confessed.

It is therefore ordered and adjudged that the said defendant, Elisha Baxter, be ousted from the office of Governor of the State of Arkansas mentioned in the complaint in this action. And it is further adjudged that Joseph Brooks named in the complaint, and plaintiff in this action, is, and he is hereby declared to be entitled to the said office of Governor of Arkansas, and all books, papers and other appurtenances thereto belonging by virtue of the election in said complaint mentioned. It is also further ordered and adjudged that the said plaintiff recover of the said defendant the sum of Two Thousand Two Hundred and Eighteen Dollars with interest thereon at the rate of six per cent per annum from this date until paid, also his costs in this behalf expended for which he may have execution,

advisement and the Court being sufficiently advised of law arising thereon, overruled the said demurrer, and the said defendant failing to answer and there being no answer to said complaint the same is taken for confessed. It is therefore ordered and adjudged that the said defendant, Eliza Baxter, be ousted from the office of Governor of the State of Arkansas mentioned in the complaint in this action. And it is further adjudged that Joseph Brooks named in the complaint, and plaintiff in this action, is, and he is hereby declared to be entitled to the said office of Governor of Arkansas, and all books, papers and other appurtenances thereto belonging by virtue of the election in said complaint mentioned. It is also further ordered and adjudged that the said plaintiff recover of the said defendant the sum of Two Thousand Two Hundred and Eighteen Dollars with interest thereon at the rate of six per cent per annum from this date until paid, also his costs in this behalf expended for which he may have executed;

STATE OF ARKANSAS, }  
COUNTY OF PULASKI. }

I, J. J. McEvoy, Clerk of the Circuit Court in and for said County, do hereby certify that the above page, and \_\_\_\_\_ preceding page, contain a true, complete and perfect transcript of the judgment in the case of Joseph Brooks vs. Eliza Baxter

as the same now appears of record and is in my office in Circuit Court \_\_\_\_\_ Record No. 9<sup>2</sup> \_\_\_\_\_ page 707.

Witness my hand and official seal this \_\_\_\_\_ day

of \_\_\_\_\_ 19\_\_

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

FILED  
SEP 12 1901

CO

*[Handwritten signature]*  
S. H. H. H.

# INDICTMENT.

State of Arkansas,  
AGAINST

*Annie Greer*

*In the Pulaski* Circuit Court.  
INDICTMENT.

The Grand Jury of *Pulaski* County, in the name and by the authority of the State of Arkansas, accuse *Annie Greer*

of the crime of *Murder in the first degree* committed as follows, to-wit: The said

*Annie Greer* in the County and State aforesaid, on the *25th* day of *April* A. D. *1886*

*did then and there, wilfully, feloniously, unlawfully, with malice aforethought and with premeditation and deliberation kill and murder one Egan Greer then and there being, by then and there wilfully, unlawfully, feloniously, with malice aforethought, shooting him the said Egan Greer with a pistol then and there loaded with gun powder and a leaden bullet and then and there had and held in the hand of her the said Annie Greer*

against the peace and dignity of the State of Arkansas.

*Chas. Barnwell*  
6th Circuit

IN THE PULASKI CIRCUIT COURT,

DIVISION.

STATE OF ARKANSAS, }  
 COUNTY OF PULASKI. } ss.

Be it Remembered, That on the 30<sup>th</sup> day of Nov<sup>r</sup>  
 1886, a day of the Dec<sup>r</sup> Term, 1886, of the Circuit Court of said  
 County, the HON. JOSEPH W. MARTIN, Judge of the ~~Second Division~~ of said Court,  
 being present and presiding, the following proceedings were had, to-wit:—

State of Arkansas  
 vs Murder  
 Lemuel Green

This day came the State  
 of Arkansas by Chas Carroll Prox  
 atty. to remove the defendant in  
 custody of the Sheriff and by W. J.  
 Durat and B. J. Davis his At-  
 torneys. And the jurors empanelled  
 herein after some time spent in  
 consideration of their verdict, come  
 into Court and return the following  
 verdict, to-wit: "We the jury find  
 the defendant not guilty, A. S. Wall  
 foreman"

It is thereupon considered,  
 ordered and adjudged by the Court  
 that said defendant go hence dis-  
 charged hereof without day, and that  
 the County of Pulaski pay the  
 costs of this prosecution.

STATE OF ARKANSAS, }  
COUNTY OF PULASKI. } ss.

Be it Remembered, That on the 30<sup>th</sup> day of Nov  
1886, a day of the 2<sup>nd</sup> Term, 1886, of the Circuit Court of said  
County, the Hon. JOSEPH W. MARTIN, Judge of the ~~Second Division~~ of said Court,  
being present and presiding, the following proceedings were had, to-wit:—

178 State of Arkansas  
vs Murder  
Annie Greer

This day came the State  
of Arkansas by Gray Carroll Prox  
attly the names the defendant in  
custody of the Sheriff and by W. J.  
Lural and B. J. Adair her At-  
torneys, and the jurors-unpannelled  
return after some time spent in  
consideration of their verdict, come  
into Court and return the following  
verdict, to-wit: "We the jury find

STATE OF ARKANSAS, }  
COUNTY OF PULASKI. }

I, Joseph W. Martin, Clerk of the Circuit Court in and for said County, do hereby certify  
that the above page, and one preceding pages, contain a true, complete and  
perfect transcript of the Indictment and final judgment  
in case of State of Arkansas vs Annie Greer  
as the same now appears of record and on file in my office in Criminal Record  
No. 9 pages 5729572

Witness my hand and official seal, this First day  
of June 1886

J. W. Martin Clerk  
By [Signature] D. C.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO EXPLORE THE OIL RESOURCES

FILE NO. 100  
SEP 12 1901

*[Handwritten signature]*

In the District Court of the United-States for the Western District of  
Arkansas, New Term, 1896.

Tuesday Morning Nov 12th, 18-96. 10 o'clock.

Court met pursuant to adjournment. Present the Hon Isaac C Parker, Judge  
Judge of the District Court of the United States for the Western Dis-  
trict of Arkansas.

United States . Indictment for cutting Timber on Indian lands. No 5760.  
Vs Geo. W. Vann.

On this comes the said defendant by his attorney, and files  
his application verified by oath praying for witnesses in his behalf  
at the expense of the United-States.

Said application coming on to be heard, the court being fully advised &  
in the premises, doth allow the same,

It is therefore ordered that the legal expenses of procuring the testi-  
mony D.M. Wisdom, Mich Ellis, Vector Mallon, Haywood Youngblood, Thos  
Smith, Geo Smith, Mary Nicks, Harrison Vann, Mary Jane Youngblood,  
Geo E Williamson, and Wm Dukes, in behalf of said defendant be paid by  
the United-States and that a subpoena be issued for them returnable  
Nov<sup>25</sup>, 1896.

In the District Court of the United-States for the Western District  
of Arkansas, New Term, 1896. Saturday Morning 10 o'clock, A.D. 1896.

Court met pursuant to adjournment Present the Hon Isaac C Parker  
Judge of the Dist Court of the United States for the Western Dist

United-States. Indictment for Ctg Timber Indian Lands, No 5760  
Geo W Vann.

On this day comes the said defendant, by his attorney  
and files his application verified upon oath, praying for additional  
witnesses in his behalf, at the expense of the United States,

Said application coming on to be heard, the court being fully advised  
in the premises, doth allow the same. It is therefore ordered that  
the legal expenses of procuring the testimony of Sarah Tackett, and  
Green Johnson, in behalf of said defendant, be paid by the United States  
and that a subpoena be issued, for them returnable forthwith.

In the District Court of the U.S. for the Western District of Arkansas.  
Nov Term 1895. Friday Morning 10 o'clock Jan'y 10th 1895  
Court met pursuant to adjournment. Present the Honn Isaac C Parjker,  
Judge of the District Court of the United States for the Western Dist o  
of Arkansas.

United States .  
Vs

William Hicks. Indictment for cutting timber on Indian Lands. No 5760.  
Geo Vann.

On this come the United States of America, by Jas F Read Esqr  
Attorney for the Western District of Arkansas. and comes the said Defdt  
in their own proper persons, band by their attorneys, C.J. Frederick Esqr  
J.W. Reed Esqr. and J.P. Malleum Esqr, and having heretofore had hearing  
of said indictment, and pleaded "Not Guilty", thereto, it is on motion  
of plaintiff by its attorney, ordered by the court, that a jury come  
to try the issue joined, ; Whereupon the following were selected for the  
trial of this cause, to-wit; John D Mc Clarey, Thos E Stephenson.  
Thos H Hood, Jas M Owens, Jas T Stroud. William S Roe. John H Ray.  
Jas M Taylor. Alex A Wulson. Bass A Rogers. Stephen Picchie, Chas J  
Bacher, . twelve good and lawful men, of the district aforesaid, duly  
selected empanelled and sworn, to try the issue joined, and a true ver  
dict render, according to the law and the evidence. ; and after hearing  
the evidence and there not being time to further progress in the triakl  
of this cause, they were permitted to separate under the uinstructions  
of the court until tomorrow morning 8 1/2 o'clock

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In the District Court of the U.S For the Western Dist of Arks.

Nov Term. 1895.

Friday Morning ~~11~~ 8 1/2 O'clock. Jan'y 10th 1896.

Court met pursuant to adjournment. Present the Hon Isaac C Parker  
Judge of the District Court of the U.S. for the Western Dist of Akks.

United States.

Vs.

William Hicks, and Indictment for cutting timber Indian Lands No 5760.  
Geo Vann.

On this day come the United States of America, by  
Jas F Read Esqr, Attorney for the Western Dist of Arkansas, and comes the  
the said defendants in their own proper persons, and by their attorneys  
Messrs Frederick Reed & Mullen, and now comes the jury heretofore empan-  
eled, for the trial of this cause to-wit, :

Jno B Mc Clarey, Thos E Stephenson. Thos H Hood, Jas M Owens Jas T  
Stroud, William S Roe, John H Ray. Jas M Taylor . Alex H Wilson, Bass  
A Rogers , Stephen Picchie, Chas A Bocher, who took their seats in the  
jury box, and after hearing the arguments of counsel, and receiving the  
charge of the court rendered without retiring the following verdict, to-  
wit; We the Jury find that this Court, has no jurisdiction in this  
case over the within named devendant George Vann, because he is a citi-  
zen of the Cherokee Nation.

(signed - T.H.HOOD. Foreman.

W<sup>m</sup> the jury find the defendant William Hicks, "Guilty of Cutting Timber"  
on Indian Lands" as charged in the first count of the within Indictment

9signed T.H.Hood. Foreman.

Whereupon by order of the Court the jury was discharged from the further  
consideration of the case, and defendant George Vann, was discharged of  
and from said indictment, and from his recognoizance , jerein to go  
hence , without date. .

And said Williakm Hicks was committed to the custody of the Marshal to  
Await final sentence.

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United States of America,  
Western District of Arkansas, Fort Smith Division.

*W. B. Armistead*  
I, ~~THOMAS BOLDS~~, Clerk of the ~~Court~~ Court of the United States for the Fort

Smith Division of the Western District of Arkansas, in the Eighth Circuit, hereby certify

that the foregoing transcript, annexed to this certificate, is a true and complete copy of the

*consisting of pages from 1 - to 3 - inclusive*  
*as much gets record as it purports*  
*to cover*

in the case of

*The United States versus*  
*Wm. Hicks and George Vann*

The original of which remains of record in my office.

IN TESTIMONY WHEREOF, I hereunto set my hand

and affix the seal of said Court, at Fort Smith, in said

District and Division, this *22<sup>nd</sup>* day

of *August* A. D. 190*1*

*W. B. Armistead* Clerk.

By \_\_\_\_\_ D. C.

Before the Commission on Citizenship,  
Tahlequah C.N. May 2nd 1878.

No. 9, G.W. Vann  
vs.  
Cherokee Nation

The claimant in person by attorney presented his application for Citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorney filed a general denial under the rule of the Commission. Upon a careful examination of the testimony adduced on part of the Plaintiff Claimant the Commission are of opinion that the Claimant wholly fails to show by satisfactory evidence,  
1st, That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion,

2nd That he was owned by Joe Vann or J.S. Vann at the beginning of the rebellion, Therefore as claimant failed to establish by satisfactory proof, two essential ingredients, under the treaty of 1866 to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by the Commission and the clerk will enter this in the proper Docket as the decree of the Commission in said case.

Attest,  
D.L. Nicholson,  
Clerk of Com. N.

John Chambers, Pres.  
O.P. Brewer  
Geo. Downing.

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.M. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of the Cherokee Nation, of 1878, now filed in this Office and in my custody.

Given under my hand and the seal of the Cherokee Nation,  
this the 20, day of November 1901.

*B. W. Alberty*  
Assistant Executive secretary.

Cherokee Nation.

In the matter of the Application of George W. Vann et al  
for enrollment as a Cherokee Freedman. Case D. 115.

To George W Vann:

You are hereby notified that the Cherokee  
Nation will present before the Dawes Commission testimony on be-  
half of the Cherokee Nation tending to disprove your right to  
be enrolled as a Cherokee Freedman on the following days and at  
the following places to wit: April 26th 27th, 29th and 30th 1901  
at the building known as the Old Barracks building in the town of  
Fort Gibson Indian Territory at the usual business hours held by  
said Commission on the respective days abovenamed for taking  
testimony both for and against applicants.

In Testimony whereof the undersigned representatives of  
the Cherokee Nation have hereunto set our hands this 25th day of  
April 1901.

*R. B. Bell*  
-----  
*W. W. Hastings*  
-----  
*Jas S. D. ...*  
-----  
Attorneys for the Cherokee Nation.

I, *Emmet Starr* of lawful age being first duly  
sworn, do hereby certify that I delivered a true copy of the  
within notice to George Vann on the *26th* Day of April 1901  
Given under my hand this April *25th* 1901.

Subscribed and sworn to before me this *25th* Day of Apr 1901.

*Emmet Starr*  
-----  
*J. C. Starr*  
-----  
Notary Public.

COMMISSION TO TAKE DEPOSITIONS.

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

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 Granville Crimpshaw, John Rudisell, John Henry, and John Weaver as witnesses in a certain application now pending before the Commission to the Five Civilized Tribes for the enrollment as Freedmen of the Cherokee Nation of George W. Vann et al.

THEREFORE, we desire that you cause the said witnesses to come before you; and, first duly swearing them to testify the whole truth in the premises, that you cause them 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 witnesses in your presence, setting forth first, the direct questions and answers thereto, and then following with the cross-examination and the answers thereto; and the whole when completed to be read over to the witnesses and by them subscribed; and when you shall have completed the taking of said depositions, then that you send the same without delay, duly certified, with the commission, 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 Muskogee, Indian Territory.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian Territory,

this 11<sup>th</sup> day of April, 1882.

  
Commissioner.



CAPTION OF DEPOSITIONS.

The depositions of Granville Crimpshaw, John Rudicell, John Henry, and John Weaver, taken on the 12 day of May, 1902, between the hours of 9 o'clock A. M. and 5 o'clock P. M., at the office of Harry Wesson, a Notary Public for the County of Sebastian, in the city of Fort Smith, in the State of Arkansas, to be read in evidence in the matter of the application of George W. Vann et al, for enrollment as Freedmen of the Cherokee Nation, pending before the Commission to the Five Civilized Tribes and the Department of the Interior.

No. \_\_\_\_\_

Notice to take Depositions  
vs W Vann et al Plaintiffs } Before the  
} Commission to  
against Cherokee Nation Defendants } The Five Civilized  
} Tribes sitting at  
Muscoogee & C.

To Messrs Bell, Hastings, and Davenport,  
Attys for Cherokee Nation of  
Indians.

You are hereby notified  
that depositions of witnesses  
to be read in evidence in the  
above entitled Cause on the  
part of the Plaintiff will  
be taken at Fort Smith  
in the County of Sebastian and  
State of Arkansas on the 12<sup>th</sup>  
day of ~~May~~ 1902, between the  
hours of eight o'clock in the forenoon  
and six o'clock in the afternoon; and  
that the taking of the said depositions  
if not completed on that day will  
be continued from day to day at the  
same place and between the same hours  
until completed.

W Vann et al  
A. S. McBride, Atty for plaintiffs

A. S. McREA

Attorney at Law.

MUSKOGEE, IND. FEB.,..... 1902.

United States of America  
Indian Territory  
Northern District

Personally  
appeared before the Undersigned  
a Notary Public in and for the  
Northern District Indian Territory U.S.  
Vann having been sworn according  
to Law deposes and states that he made  
application to The Commission  
To The Five Civilized Tribes for  
Enrollment as a Cherokee Freedman  
at Fort Gibson I.T. April 18<sup>th</sup> 1901.  
That he desires the testimony of  
Witnesses to be taken by depositions  
as the same is material in  
behalf tending to prove the Status  
of his Citizenship as a Cherokee freedman  
according to Art 9 of the Treaty  
Stipulations of 1866. That the said  
Witnesses are aged and infirm

A. S. McREA  
Attorney at Law.

MUSKOGEE, IND. FEB.,..... 1902.

and cannot appear before the Commission in person to testify in his behalf that the said Affiants are Non residents of the Indian Territory. That the <sup>names</sup> Post Office addresses of the said Affiants are as follows:

- ✓ John Weaver, Fort Smith Ark.
- ✓ John Rudisell " " "
- ✓ John Henry " " "
- Granville Crumpshaw " " "
- Act Taylor " " "
- Michael Wallace " " "

Geo. W. Vann.

Sworn to and Subscribed before me this 26th day. March 1902

U. L. Jackson  
Notary Public

MY COMMISSION EXPIRES JULY 15th 1905

A. S. McRea Atty for Applicant

#### OBJECTIONS OF COUNSEL FOR CHEROKEE NATION.

Comes the representative of the Cherokee Nation and appears specially and objects to the taking of any testimony upon the commission issued by the Dawes Commission in this case, for the reason that in the commission and the notice served upon the representatives of the Cherokee Nation there was no place fixed in the city of Fort Smith, Arkansas, as to where the depositions would be taken. The representative of the Cherokee Nation appeared specially for this objection only, there being no place named in the notice served upon them as to what place they would be taken, excepting designating in the city of Fort Smith, Arkansas, without fixing any place whatever.

2. Because there is no law authorizing the Dawes Commission to issue a commission to any officer to take the deposition of any witness in this case; and because of the further fact that the Dawes Commission is now in open session sitting at four different places in the Cherokee Nation and at one in the Creek Nation, at Muskogee, for the purpose of hearing testimony, and that pending their sessions there is no law authorizing depositions to be used before that body.

3. There is no law in force in the United States authorizing the Dawes Commission to go beyond the geographical limits of the five civilized tribes to take testimony in any case, save and except in the cases what is known as the Mississippi Choctaws.

4. Because the interrogatories are not certified to by the Dawes Commission as having been the interrogatories that were filed before them to be answered upon the fixed hearing fixed on the 12th of May, 1902.

#### OBJECTIONS OF COUNSEL FOR APPLICANT.

Comes now the attorney for the applicants and moves that the within motion made by the representative of the Cherokee Nation be stricken from the face of the record, for the reason that the same is irregular and informal.

Rep. Gen. John Mitchell

Original

Geo W. Town. & C. Co.

City of Washington

West & Clinton Sts. N.W.  
Washington District of  
Columbia

Received the above interrogatories  
re: ...  
together with the ...  
on ...  
8th day of April 1902 - 10-35

John H. ...  
Interrogatories ...  
to be ...

On behalf of the ...  
...  
in person a true correct  
copy of said interrogatories  
which have ...  
Geo W Town & C Co  
with the copy of ...  
accompanying ...

Wm H. ...  
City of Washington

The ...

The deposition of John Rudiess  
taken on the 12th day of May  
1902 between the hours of  
8 o'clock A.M. and 6 o'clock  
P.M. at the Office in the  
City of Fort Smith in the County  
of Sebastian and State of Arkansas  
to be read as evidence in an action  
between Geo W Vann Et-al plaintiff  
and the Cherokee Nation of Indians  
defendants now pending before the  
Commission to the Five Civilized  
Tribes sitting at Muscogee Creek  
Nation Indian Territory,

Int 1

(a) State your name?

ans. John Rudiess

(b) Age?

ans. 51 years old

(c) Post Office Address?

ans. Fort Smith, Ark.

Int 2

(a) What is your occupation?

ans. Deputy Sheriff Sebastian Co. Ark

(b) Are you acquainted the plaintiff  
or Applicant Geo W. Vann?

ans. I am.

(c) How long have you known him?

ans. I have known him nearly all  
my life, as or so years ago.

Int 3

(a) Where did you first learn to know him?

Ans.

I first learned to know him when I commenced to work in my father's store, where he traded, subjects was in 1864.

(b) Was he a slave in the Cherokee Nation, Indian Territory, before the war of the rebellion between the North and the South?

Ans.

My understanding was he was slave of Jim Vann.

(c) To whom did he belong?

Ans.

Jim Vann.

Int 4

(a) Was he a Cherokee Indian by blood?

Ans.

Yes, that was always my understanding.  
(b) Do you know of the whereabouts of the Applicant Geo W Vann during the years 1866-67?

Ans.

during the year 1866-67, he lived at the place by the name of ...

(c) Do you know if he was in the Cherokee Nation I.T. in the Summer of 1866 or the early part of 1867?

Ans.

I am not positive, but I am almost sure he was in the Cherokee Nation during that time.



Int 5- (a) Have you seen and met <sup>with</sup> the Applicant Geo W Vann often since you first learned to know him?

Ans. Yes sir, very frequently.

(b) What was the longest period at any one time you ever missed seeing him?

Ans. I don't recall now any time that I missed seeing him for any great length of time.

(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Ans. I was living in St. Smith & was clerking in my father's grocery store.

Int 6 (a) How long have you lived in the State of Arkansas?

Ans. I was born & raised in the State of Arkansas.

(b) How long in the City of Fort Smith?

Ans. ~~6 years~~ All my life.

(c) Do you know where the Applicant Geo W Vann now resides?

Ans. Yes, sir.

Int 7 (a) Where

Ans. ~~at~~ ~~the~~ ~~City~~ ~~of~~ ~~Fort~~ ~~Smith~~, Cherokee Nation, I.T.

(b) How long has he lived there to your knowledge or information  
for many years.

Ans.

(C) Is the statement of Geo W Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann a Cherokee Indian?

Ans. Yes, sir; that has always been my understanding.

Int 8 (a) Is his statement true that he worked for a doctor Bell in 1866 and for one Bill Campbell in 1867?

Ans. I could not answer as to that.

(b) Do you know whether or not the Applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?

Ans. I don't know.

(c) State all you know about the Applicant

Ans. I have stated about all I know.

I have known him for a long time, and he has always been considered all right in every way, honest & upright.

John Buntzel

Department of the Interior  
Originals

Geo. W. Vann et. al.

Cherokee Nation

United States of America  
Northern District  
Indian Territory

Received the within Subj. report  
in one copy of the original  
with true copies thereof  
on May 1902 & on the  
morning of April 02 at 10:30  
o'clock AM, I received said  
Subj. report & notice thereof  
by the coming to Atty's for  
Cherokee Nation Indians near  
Bell, Washington & Danvers  
in person a true & correct  
copy of said Subj. report  
which was produced by  
Geo. W. Vann et. al. by the  
atty's of notice  
accompanying same.

Wm. H. King  
City Marshal

**OBJECTION OF ATTORNEY FOR APPLICANTS.**

Comes now attorney for applicants and objects to the course of procedure on the part of representative for the Cherokee Nation for cross-examination, for the reason that representatives of the Cherokee Nation had due notice that this testimony would be taken by interrogatories, they having failed to file cross-interrogatories in this matter, and are now too late.

**OBJECTION OF COUNSEL FOR CHEROKEE NATION.**

Representatives of the Cherokee Nation appear specially and object to the taking of the depositions upon the interrogatories submitted, because there is no showing whatever that they have ever been filed in the office of the ~~Davas Commission, or the Commission to the Five Civilized Tribes of Indians~~, as required by the Arkansas law in force in the Indian Territory, and there is no authority shown whatever that the Commission has ever had in their possession the interrogatories sought to be answered; and for the further fact that if the interrogatories have been filed properly the applicant and his attorneys have no right whatever to be present when the same are answered, unless both parties are allowed at the taking.

Thereupon Mr. Davenport, of counsel for Cherokee Nation asked the witness John Reutzel the following question:

Question: When your interrogatories were being answered, was either the applicant, the man who goes by the name of George W. Vann now, or his attorneys, Mr. Edmondson or Mr. Mc Rae, present?

WITNESS JOHN REUTZEL: Mr. Vann was not here. He (pointing to Mr. Mc Rae) was here.

Cross-Examination.

- Q. How long have you lived in the city of Fort Smith?
- A. 31 years.
- Q. In what part of the city of Fort Smith were you living at the close of the war?
- A. On Fifth St., with my father.
- Q. Have you ever known the applicant in this case by any other name than Geo. W. Vann?
- A. Sometimes they call him Johnson. In my boy days I, some times didn't know whether his name was Johnson or Vann. I never knew him by any other name than Vann or Johnson.
- Q. Where was the applicant living when you first got acquainted with him?
- A. He was living in the Territory.
- Q. How far from Fort Smith?
- A. Only a few miles.
- Q. What year, or near as you can remember, did you get acquainted with Geo. Vann?
- A. At the close of the civil war, in the year 1866, somewhere about that.
- Q. What, if anything, impresses it upon you that it was the year 1866?
- A. Because it was just at the close of the war.
- Q. On whose place was he living when you first got acquainted with him?
- A. I couldn't say.

Q. When, if at all, did you first learn the name of the farm on which he was living in the Cherokee Nation?

A. I only heard of him living on the Johnson farm within the last few years. He may have been living on that farm all along; I don't know.

Q. Do you know of your own knowledge whether the applicant Geo. Fann was a slave in the Cherokee Nation belonging to a Cherokee citizen at the breaking out of the civil war?

A. I don't know.

Q. Were you old enough at the breaking out of the war <sup>to know</sup> any of the Cherokee citizens who lived in the Sezugah District Cherokee Nation?

A. No, sir.

Q. How long after the close of the war before you became acquainted with some of the Cherokee citizens who lived in the Sezugah District?

(Objected by atty for applicant for the reason that the same is incompetent & irrelevant.)

A. Some time about the close of the war or a little later.

Q. When did you first learn of your own knowledge, if at all, that

the applicant Geo. W. Vann was living in the Cherokee Nation. That was about the close of the war or a little later.

Q. How long did your counterpane work in your father's store and see him coming and going?

A. Two years from the close of the war.

Q. Can you say positively that Geo. W. Vann was living in the Cherokee Nation from the close of the war up to 1842?

A. As far as I know he was. I think from that time until 1842 he was living there. After 1844 I quit the store.

Q. Do you not know that Geo. W. Vann, the applicant in this case was living in Roadside Cove near Stevenson Alabama in 1866-67 and up until 1868, and while living there he married a sister of Col. Ross, who now lives at Argenta, Arkansas?

X

(Objected to for the reason that the question is leading and for the further reason that it does not appear to the interrogator's preponderance in the examination in chief.)

A. No, sir. In fact, I don't know who he is married to now, if he is married.

Q. Could he have traced in Alabama in the years mentioned in the last question and you not have missed him?

A. There could be such a thing, and that I would not have missed him.

Q. Do you know of your own knowledge of her living outside of the Cherokee Nation since you got acquainted with him?

A. No, sir.

Q. In fact, you haven't known much of Vann until recent years have you?

(Objected to for the reason that witness has already stated in his examination in chief and upon his cross-examination that he when he first became acquainted with the applicant.)

A. Well, I have too. I will state, that after I left the grocery business and was engaged in other business ten years, from about 1874 to 1884, his face was familiar around here, I would see him pass back and forth, speak to him where I would see him. Then there was a lapse of two years that I was absent from the city, after 1884.

Q. Are you acquainted with Gabe Payne?

A. Yes, sir.

Q. How long have you known him?

A. I have known him ever since we were both children.

Q. Do you know whether or not he is a

~~Am. Examination~~

citizen of the Cherokee Nation and  
lives in the Sequoyah District  
Cherokee Nation?

A. He lives in the Cherokee Nation right  
across the river from Fat Smith, and  
I have always understood he was a  
Cherokee Indian.

Q. How far from Gabe Payne's Place  
in the Cherokee Nation is the  
place where you first learned  
Geo. W. Vann lived on?

A. I don't know.

Q. Gabe Payne would likely know  
how long the applicant has been  
residing in the Sequoyah District,  
would he not?

(Objected to for the reason  
that the same is irregular & incompetent  
it being a mere matter of opinion)

A. I would think he would.

Q. Did you ever miss the applicant  
at all from the time you got acquainted  
with him for a year at a time?

A. I don't think I ever missed him that  
long. If he was absent, I don't  
know it.

Q. Then you never knew him  
when he lived in Argenta, Arkansas?

A. I never knew he lived in Argenta.

Q. Then you have no knowledge  
whatever of his having been appointed  
constable of Cotton Township, Paulk  
County, Ark., in 1871?

A. No, sir.

Q. What other places was he  
get acquainted with when he was



the Cherokee Nation just after the close of the war?

A. I don't know of anyone now that I could call by name now.

Q. What Cherokee did you get acquainted with first after the close of the war that lived in the Sequoyah District Cherokee Nation?

A. I don't know that I could name any of them. I am a poor hand any how to remember names unless I see the faces right before me.

(Here the taking of depositions was continued until tomorrow morning May 13-02, at 8:30 o'clock, it now being 6 o'clock p.m.)

H. A. Hartman

Notary Public.

Tuesday, May 13, 1902, 9<sup>th</sup>  
o'clock a.m.

John Bentzel, being recalled, testified as follows:

Cross Examination - continued

Q. Have you any recollection of the names of any parties whom you know lived in Sequoyah District Cherokee Nation when you first got acquainted with the applicant Geo. K. Vann?

A. The Campbell family and the Johnson family that lived over there and I remember a family by the name of Vickery.

Q. Did you ever know a man by the

name of Joe Bowers who lived in the Sequoyah District, Cherokee Nation?

A. Yes, sir.

Q. Did you get acquainted with Bowers before you did Vann or after?

A. After. It was a long time I would see Bowers come over here before I knew him by name.

Q. About how long after the war was it that you got acquainted with Bowers?

A. I think I got acquainted with Bowers along about 1866, 1867 or 1868.

Q. Did you ever know Jim Vann?

A. No, sir.

Q. Did you ever know Ben Johnson, a Cherokee?

A. I don't know that I could say that I remember him.

Q. Did you ever know a Mrs. Eoil?

A. No, sir. The name sounds familiar, but I don't remember.

Q. Did you know Mrs. E. B. Bright?

A. Yes, sir.

Q. Do you know where Geo. W. Vann, the applicant was living in the summer of 1817?

A. I don't know. I saw him here in Ft. Smith back and forth, but I don't know just where he was living in that particular year.

Q. Do you know whether or not in the year 1877 there was a depot - or railroad station near the Arkansas <sup>River</sup>, Sequoyah Dist Cherokee Nation?

A. Yes, sir.

Q. Was Gabe Payne living and farming near where this depot was located in 1877?

A. He was.

Q. Did you ever know the applicant in this case by the name of Geo. W. McCaney?

A. I never did.

Q. Did you ever know Ben Johnson, a colored man, who lived in the Sequoyah Dist.?

A. Yes, sir.

Q. Did you know Joe Bruner, a colored man?

A. Yes, sir.

Q. Did you know anything of the applicant prior to the war?

A. No, sir.

John R. [unclear]

The Attorney General  
Cincinnati

Geo W. Baum et al

Washington National  
Criminal

United States District  
Indian Territory  
Western District

I received the  
written interrogatories and  
copies thereof annexed together  
with true copies thereof on  
8<sup>th</sup> day of April 1902 and on

this 8<sup>th</sup> day of April 02 at  
10:35  
clock P.M. I served said

interrogatories and notices  
thereof by delivering to

attorney for the defendant  
Messrs. Messrs. Bill Haring  
and servant in person.

I have also served copy  
of said interrogatories

which were propounded  
by Geo. W. Baum together  
with a copy of the

returning same

please in the evening

Wm. H. ...  
City

The deposition of Granville Crumshaw  
taken on the 3<sup>rd</sup> day of May 1902  
between the hours of 8 o'clock A.M.  
and 6 o'clock P.M. at the  
Office in the City of Fort  
Smith in the County of Sebastian and  
State of Arkansas to be read as evidence  
in an action between Geo W Vann  
et. al plaintiffs and the Cherokee  
Nation of Indians defendants  
now pending before the Commission  
to the Five Civilized Tribes sitting  
at Muscogee Creek Nation Indian  
Territory.

Int 1

Ans.

(a) State your name?

Granville Crumshaw.

(b) Age? Ans. I am 72 years old.

(c) Post Office Address?

Ans.

Fort Smith, Ark.

Int 2.

Ans.

(a) What is your occupation?

I am an insurance agent & do export a little to work.

(b) Are you acquainted with the  
plaintiff or Applicant Geo W. Vann?

Ans.

Yes, sir.

(c) How long have you known him?

Ans.

I have known him since about 1866.

Int 3  
Ans.

(a) Where did you first learn to know him?  
at Kennedy's mill, corner of 4th St & Garrison Ave, Ft Smith Ark.  
(b) Was he a slave in the Cherokee Nation  
Indian Territory before the war of the  
rebellion between the North and the  
South.

Ans. I don't know.

(c) To whom did he belong?  
I don't know.

Int 4 (a) Was he a Cherokee Indian by blood?  
I don't know.

(b) Do you know of the whereabouts of the  
Applicant Geo W Varn during the  
years 1866-67?

Ans.

Yes sir, I know he lived around the river from Ft Smith, in the Cherokee Nation

(c) State if you know if he was living  
in the Cherokee Nation I.T. in the  
years 1866-67 and under what circum-  
stances you base your knowledge  
of that fact

Ans.

I was working at Kennedy's mill at that time,  
and Geo. W. Varn would come every Saturday to the  
mill with corn to have it ground into meal. He  
generally came in a wagon and generally had with  
him a Cherokee Indian by the name of Max Johnson  
and I am positive at that time Geo. W. Varn lived in Cherokee Nation

Int 5

(A) Have you seen and met with the Applicant Geo W. Vann often since you first learned to know him?

Ans.

I have lived in Ft Smith since that time and I have seen him often.

(B) What was the longest period at any one time you ever missed seeing him?

Ans.

I do not think I ever missed seeing him more than a month at any time, or possibly two months.

(C) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Ans.

I was living at Ft Smith, Ark., and was engineer at a sawmill.

Int 6

(A) How long have you lived in the State of Arkansas?

Ans.

Since 1866, since May 1866

(B) How long in the City of Fort Smith?

Ans.

I came to Ft Smith in 1866 & have lived there since

(C) Do you know where the Applicant Geo W. Vann now resides?

Ans.

Yes, sir

Int 7

(A) Where?

Ans.

In the Cherokee Nation, near Ft Smith

(B) How long has he been living there to your knowledge or information?

Ans.

Answer since I have known him, since 1866.

(C) Is the statement of Geo W Vann correct when he states that he was owned by one Jim Vann a Cherokee Indian and was a slave in the Cherokee nation before the war?

Ans.

I don't know.

Int 8

(D) Is the statement true he worked for a Doctor Bell in 1866. And for one Bill Campbell in 1867?

Ans.

I have known him working for someone in the Cherokee Nation 1866 & 67.

(E) Do you know whether or not the Applicant was living on Ben Johnson's place in the Cherokee Nation at the beginning of the war near Fort Smith?

Ans.

No, sir.

(F) State all you know further about the Applicant

Ans.

I don't know anything further.

The Applicant of Minerals  
Cherokee Nation

Geo W Vann et al.  
vs.

Cherokee Nation

Original

United States of America  
Indian Territory

Notus District  
I do certify that

with investigation and  
copy thereof annexed together  
with this copy thereof on  
the 8 day April 1902 and on  
the 8 day April 02 at  
Oklahoma City, I have read and  
investigation and notice  
thereof by delivering to  
Attys for Cherokee Nation  
Indian Name Bell Smith  
and Sampson in front  
of me and correct copy  
of said investigation  
which was prepared  
by Geo W Vann together  
with a copy of notice  
accompanying same.

Wm Perry  
City Marshal



Cross-Examination.

Q. How long have you lived in Ft Smith Ark.?

A. Since the 15th of May, 1866.

Q. What state were you raised in?

A. I was raised in Limestone Co., Ala.

Q. How far did you live from North Cove, in Alabama?

A. I don't recollect. I lived below Yountville.

Q. Did you ever know the applicant by any other name than Geo. A. Cairns?

A. No, sir.

Q. Did you know the applicant while he was living in Alabama?

A. Yes, sir.

Q. Did you know the applicant while he was living in Argenta, Ark.?

A. No, sir.

Q. Has he ever lived with your family outside of the Cherokee Nation since you got acquainted with him?

A. I don't know, sir.

Q. What manner you remember that it was May 15, ~~1866~~ 1866? when you came to Ft. Smith, Ark.?

A. Because I know what year I came here, the year after the surrender.

Q. With whom did you come when you came to Arkansas?

A. Why I came from <sup>the</sup> Wilson <sup>St.</sup> here by myself. I came here from Ft.

Q. Gibson with a man by the name  
of Andy Campbell, whom  
I met at St. Gibson. I was  
on my way from Texas  
Q. or how did you come with  
from Texas to St. Gibson?

A. I came with a man by the  
name of Allen from Bankum,  
Tex. to St. Gibson.

Q. where were you when the  
war closed?

A. I was in Houston, Tex.  
Q. were you a slave before the war?

A. Yes, sir.

Q. You are not an applicant for  
citizenship as a Freedman in the  
Cherokee Nation?

A. No, sir.

Q. How long after you came to  
St. Smith until you became  
acquainted with Gen. W. Vance  
the applicant?

A. I don't know exactly how long,  
but I think it was in the  
summer time in the year  
I came here.

Q. What became of Andy Campbell?  
A. He went back to Texas,  
so I was informed.

Q. How did you travel when you  
came from Houston to St. Smith?

A. By wagon, and I got here  
on May 15-1866.

Q. Do you know whether or  
not when you came to  
St. Gibson the Cherokee

Darker were returning to get their rights under the treaty which gave them a right to a portion of the lands and property belonging to the Cherokee tribe of Indians?

A. I don't know.

Q. What other colored man who lived in the Cherokee Nation besides the applicant did you get acquainted with in 1865?

A. I knowed old man Jack Campbell who is dead now.

Q. What other colored man who lived in the Cherokee Nation did you get acquainted with?

A. I can't recollect their name.

Q. On what place was Geo W. Sam living in the Cherokee Nation when you got acquainted with him?

A. I don't know.

Q. How do you know he was living in the Cherokee Nation at all then?

A. I just know it by his coming from there over here to the mill.

Q. Where was the mill located from where the ferry was on the river at that time?

A. Right on the corner of Smith Street and Garrison Ave in St. Smiths.

Q. Did the applicant Geo W. Sam being come to the mill to be ground in 1866 shortly

after you came to Fort Smith  
in 1866?

A. Yes, sir.

Q. Whose mill were you working at?

A. Jerry Kennedy's.

Q. Is any of the Kennedy family living now?

A. Yes, sir. Kennedy's wife is living.

Q. Where does Kennedy live now, Ft Smith  
5th Street + B. Street in Ft Smith, Ark.

Q. Did you ever visit the applicant  
in the Cherokee Nation?

A. No, sir.

Q. Do you know where he  
lives now?

A. I don't know.

Q. What other colored man did you  
get acquainted with in Ft  
Smith in 1866 besides the applicant?

(Objected to by City for applicant  
for the reason that the question  
is irrelevant and incompetent  
and has no bearing upon  
the question at issue, the  
witness being called upon  
to testify of his knowledge  
and acquaintance of  
the applicant Geo W. Thomas)

Q. I would not Joe Robinson  
he was here when I came here,  
Assistant Payor. I don't remember  
any others now. I also knew  
Wesley Lewis.

Q. Have you ever testified in this  
case before?

A. No, sir.

Q. When were you first spoken to about being a witness in this case?

A. I think about a week ago, or may be two weeks.

Q. Did he tell him then what you knew about the case?

A. I didn't give him much answer. I kind of laughed at him.

Q. Have you any record that fixes the date for you as to when you came to St. Smith, Ark?

A. No, sir.

Q. Then without any record, and after a lapse of 36 years, you undertake to give the month and the day of the month that you arrived in St. Smith, Ark?

A. Well, I counted it when I came here, I kept count when I was on the road how long it took me to come here, and that is how I recollect.

Q. How long was you on the road?

A. I was on the road 15 or 16 days.

Q. When did you start?

A. I started on the 1st day of May.

Q. When you left Durham, did you leave to come to St. Smith?

A. Yes, Sir.

Q. What year is this, uncle?

A. I don't recollect.

Q. What year was the Brooks-Baxter war?

A. I don't know.

Q. What year was the federal court

building that is now occupied  
here built &

(Objected to for the reason that  
witness is called upon to testify as  
to his knowledge and acquaintance  
of Geo W Van, the applicant;  
and not as to the commandment  
of the Broth. Dexter was and the  
time as to the erection of the  
federal court building at  
H Smith, Ark.)

Q. Don't remember the year it  
was built.

Q. Was the federal judge  
holding court here when you  
arrived there, Smith?

There was none here. The federal  
court was then in Van Buren,  
Granville <sup>his</sup> Boushaw  
Court

Witness:—

H. A. Mathews.

The deposition of John Henry  
taken on the day of  
1902 between the hours of 8 o'clock  
A.M. and 6 o'clock P.M. at the  
Office in the City of  
York, Smith in the County  
of Sebastian and State of  
Arkansas to be read as evidence  
in an action between Geo  
H. Vang et al plaintiffs  
and the Cherokee Nation  
of Indians Defendants now  
pending before the Commission  
to the Five Civilized Tribes  
Sitting at Muscogee Creek  
Nation Indian Territory.

Int 1 (a) What your name?

(b) Age

(c) Past Office Address?

Int 2 (a) What is your occupation?

(b) Are you acquainted with the  
plaintiff or Applicant Geo  
H. Vang?

(c) How long have you known him

Int 3

(a) Where did you first learn to know him?

(b) Was he slave in the Cherokee Nation Indian Territory before the war of the rebellion between the North and the South?

(c) To whom did he belong?

Int 4 (a) Was he a Cherokee Indian by blood?

(b) Do you know of the whereabouts of the Applicant Geo. W. Jones during the years 1866-67?

(c) Do you know if he was in the Cherokee Nation T. in the Summer of 1866 or the early part of 1867?



Int 5 (a) Have you seen and met with the applicant Geo W Vann often since you first learned to know him?

(b) What was the longest period at any one time you ever missed seeing him?

(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Int 6 (a) How long have you lived in the State of Arkansas?

(b) How long in the City of St. Louis?

(c) Do you know where the applicant Geo W Vann now resides?

Int 7 (a) Where?

(b) How long has he resided there to your knowledge or information?

(C) Is the statement of Geo W Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann a Cherokee Indian

Set 8 (A) Is his statement true that he worked for a Doct<sup>r</sup> Bell in 1866 and for one Bill Campbell in 1867?

(B) Do you know whether or not the applicant was living on Ben Johnsons place at the beginning of the war near Fort Smith?

(C) State all you know about the Applicant

Abstract of John Henry  
Chigand  
Do W Vann et al  
vs  
Cherokee Nation

United States of America  
Indian Territory  
Western District

Indine the witness I being  
this and City Clerk Am  
together with two copies  
on 8<sup>th</sup> day of April 1902  
the 8<sup>th</sup> day of April or at  
12 o'clock p.m. I served  
Subpoenas and Notices  
thereof by delivering to  
for Cherokee Nation  
Wm Bell Shingles and  
Dawson in person a  
true and correct copy  
of said Subpoenas and  
notices and their service by  
Geo W Vann et al together  
with a copy of notice  
accompanying same.

Wm Bell  
City Marshal

Retention of John Weaver

Original

Geo. Washington

Charleston, N. C.

Recd. from [unclear]

and [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

of [unclear]

To Mr. Herring

Mr. Herring

C. C. Marshall

The deposition of John Weaver  
taken on the \_\_\_\_\_ day of \_\_\_\_\_  
1902 between the hours of  
8 o'clock A.M. and 6 o'clock P.M.  
at the \_\_\_\_\_ Office in the  
City of Fort Smith in the  
County of Sebastian and State of  
Arkansas to be read as evidence  
in an action between Geo W.  
Vann Et al plaintiffs and  
the Cherokee Nation of Indians  
defendants now pending before  
the Commission to the Five  
Civilized Tribes sitting at  
Muskogee Creek Nation Indian  
Territory.

Int 1

(a) State your name?

(b) Age?

(c) Post Office Address?

Int 2.

(a) What is your occupation?

(b) Are you acquainted with the  
plaintiff or Applicant Geo W Vann

(c) How long have you known him?

Int 3 (a) Where did you first learn to know him?

(b) Was he a slave in the Cherokee Nation Indian Territory before the war of the rebellion between the North and the South?

(c) To whom did he belong?

Int 4 (a) Was he a Cherokee Indian by blood?

(b) Do you know of the whereabouts of the Applicant Geo W. Vann during the years 1866-67?

(c) State if you know, if he was living in the Cherokee Nation I.T. in the years 1866-67 and under what circumstances you base your knowledge of that fact?

Int 5 (a) Have you seen and met <sup>with</sup> the Applicant Geo W. Vann ~~since~~ after since you first learned to know him?

(b) What was the longest period at any one time you ever missed seeing him?

(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Int 6 (a) How long have you lived in the State of Arkansas?

(b) How long in the City of Fort Smith?

(c) Do you know where the Applicant - Geo W Vann now resides?

Int 7 (a) Where?

(b) How long has he lived there to your knowledge or information?

1  
(C) Is the statement of Geo W Mann  
Correct when he states that he  
was a slave in the Cherokee  
Nation before the war and was  
owned by one Jim Mann a Cherokee  
Indian?

Int 8 (A) Is his statement true that he  
worked for a Geo Bell  
in 1866 and for one Bill  
Campbell in 1867?

(B) Do you know whether or not  
the Applicant was living  
on Ben Johnson's place at the  
beginning of the war on Fort Smith?

(C) State all you know about the  
Applicant.

Report of John Mann

Original

Geo W Mann et al

Cherokee Nation

United States of America

Indian Territory

Western District

I examine the within Subscribing  
affidavit, and copy thereof and  
by the within Office  
and certify that on the 17th day of  
April 1902 I on this 17th day  
of April, 1902, also on the 17th day  
of August, 1902, at Springfield  
Missouri, said Subscribing  
and certify that by said  
affidavit to the Cherokee  
Nation Indian Territory  
Geo W Mann et al  
Bell, Shattuck & Company  
in person to be true and  
Correct Copy of said  
affidavit which was  
produced by Geo W Mann  
et al together with a copy  
of notice accompanying  
same

W. H. Manning

City Marshal

CERTIFICATE.

United States of America, }  
County of Sebastian, } ss.  
State of Arkansas. }

I, Harry <sup>G. W. H. H. H.</sup> ~~Wasson~~, a Notary Public within and for the County of Sebastian, State of Arkansas, do certify that the foregoing depositions of Granville Crimpshaw, John Rudisell, John Henry, and John Weaver, were taken before me and read to them in my presence, at the time and place and in the action mentioned in the caption, the said Granville Crimpshaw, John Rudisell, John Henry, and John Weaver, having been duly sworn by me that the evidence they should give herein, should be the truth, the whole truth, and nothing but the truth, and their statements were reduced to writing by me in their presence (~~or by them in my presence~~), the applicant being present at the examination,

and the same were read to both the applicants  
and their depositions 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 19<sup>th</sup> day of Nov, A. D., 1902.

A. W. H. H. H.  
Notary Public.

(Here affix seal.)

(An. expires Feb. 25/05.)



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 18, 1902.

In the matter of the application of George W. Vann and others  
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-115.

Applicants represented by A. S. McEa, Muskogee, I. T.  
Cherokee Nation represented by W. W. Hastings.

MR. McEa: Attorney for applicant desires the testimony of  
W. W. Wheeler, taken this day in the case of Joe Bruner, to be made  
a part of the record in the cases of George W. Vann and others and  
Eliza Robinson.

COMMISSION: The request of the attorney for the applicant will  
be complied with.

---

Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported 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 19th day of May, 1902.

*[Signature]*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 15, 1902.

In the matter of the application of Joseph Bruner et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1052.

Cherokee Nation represented by W. V. Hastings.

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

MR. HASTINGS: What is your name? A. J. C. Starr.

Q. Are you stenographer for the Cherokee attorneys? A. Yes, sir.

Q. Did you make any effort to get service upon Joe Bruner, the applicant in this case? A. Yes, sir, I did.

Q. What did you do? A. Sent a notice and a registered letter to his postoffice at Benga, I. T., and the postmaster informed me that Joe Bruner was dead, and he could't deliver the letter.

MR. HASTINGS: Come now the representatives of the Cherokee Nation and move to submit testimony in this case as to Joe Bruner's children for whom he made application for enrollment.

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

W. W. WHEELER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. W. W. Wheeler.

Q. How old are you, Mr. Wheeler? A. I am between 54 and 55.

Q. What is your postoffice? A. Sallisaw, Indian Territory.

Q. Did you know the applicant, Joseph Bruner, a colored man? A. Yes, sir.

Q. Did you know him before the war? A. Yes, sir.

Q. Who did he belong to when the war came up? A. At the time the war came up he belonged to E. B. Bright.

Q. Where was he living? A. Fort Smith, Arkansas.

Q. Was he a citizen of the state of Arkansas? A. Yes, sir.

Q. Not a citizen of the Cherokee Nation? A. No, sir.

Q. He had formerly belonged to your father? A. Yes, sir.

Q. And your father had sold him to Bright? A. Yes, sir, but my father bought him from Mitchell Sparks.

Q. But he had sold him before the war? A. Yes, sir, sold him before the war.

Q. About how long before the war? A. I believe he sold him in '60.

Q. To E. B. Bright? A. To E. B. Bright.

Q. He was freed by E. B. Bright? A. He ran off from E. B. Bright and he never was captured there.

Q. He was his slave? A. He was his slave.

COMMISSION: Was E. B. Bright a citizen? A. Citizen of the state of Arkansas.

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

-----  
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.

-2-  
Subscribed and sworn to before me this 19th day of May, 1902.

(Signed) P. S. Reuter,  
Notary Public.

SEAL

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Roy Palmer

Subscribed and sworn to before me this 16th day of June, 1902.

P. S. Reuter  
Notary Public.

File with Cherokee Freedman D-115, *Brinckman Hill*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 19, 1902.

In the matter of the application of George W. Vann and others  
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-115.

Applicants represented by A. S. McKee, Muskogee, I. T.  
Cherokee Nation represented by W. W. Hastings.

MR. McKee: Attorney for applicant desires the testimony of  
W. W. Wheeler, taken this day in the case of Jos Bruner, to be made  
a part of the record in the cases of George W. Vann and others and  
Eliza Robinson.

COMMISSION: The request of the attorney for the applicant will  
be complied with.

-----  
Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported 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 19th day of May, 1902.

(Signed) P. G. Renter,  
Notary Public.

(Seal)

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 15, 1902.

In the matter of the application of Joseph Bruner et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1052.

Cherokee Nation represented by W. W. Hastings.

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

MR. HASTINGS: What is your name? A. J. C. Starr.  
Q. Are you stenographer for the Cherokee attorneys? A. Yes, sir.  
Q. Did you make any effort to get service upon Joe Bruner, the  
applicant in this case? A. Yes, sir, I did.  
Q. What did you do? A. Sent a notice and a registered letter to his  
postoffice at Deaga, I. T., and the postmaster informed me that Joe  
Bruner was dead, and he couldn't deliver the letter.

MR. HASTINGS: Come now the representatives of the Cherokee  
Nation and now to submit testimony in this case as to Joe Bruner's  
children for whom he made application for enrollment.

COMMISSION: The request of the Cherokee Nation will be enter-  
tained and the testimony heard.

V. V. WHEELER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A V. V. Wheeler.

Q How old are you, Mr. Wheeler? A I am between 54 and 55.

Q What is your postoffice? A Callisaw, Indian Territory.

Q Did you know the applicant, Joseph Brumer, a colored man? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q Who did he belong to when the war came up? A At the time the war came up he belonged to E. B. Bright.

Q Where was he living? A Fort Smith, Arkansas.

Q Was he a citizen of the state of Arkansas? A Yes, sir.

Q Not a citizen of the Cherokee Nation? A No, sir.

Q He had formerly belonged to your father? A Yes, sir.

Q And your father had sold him to Bright? A Yes, sir, but my father bought him from Mitchell Sparks.

Q But he had sold him before the war? A Yes, sir, sold him before the war.

Q About how long before the war? A I believe he sold him in '60.

Q To E. B. Bright? A To E. B. Bright.

Q He was freed by E. B. Bright? A He ran off from E. B. Bright and he never was captured there.

Q He was his slave? A He was his slave.

COMMISSION: Was E. B. Bright a citizen? A Citizen of the state of Arkansas.

Q Wasn't a citizen of the Cherokee Nation? A No, sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission by 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 May, 1902.

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

(Seal)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 17, 1902.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO B-115.

APPEARANCES:

A. B. McKee, for applicant.  
V. V. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 9, 1876, as follows:

<p>Ge. W. Vann, Cherokee Nation.</p>	<p>Before the Commission on Citizenship, Tahlequah, C. N. May 9th, 1876.</p>
--	--

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the commission are of the opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

D. L. Nicholson,  
Clerk of Comm.

Jno. Chambers, Presr.  
O. P. Brewer,  
Geo. Downing.

MR. McREA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed here with the record showing that the applicant George Vann made application before the Commission as set forth.

MR. HASTINGS: The above objection is rebuted by the judgment itself which shows that the claimant, George J. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

MR. McREA: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has had time and opportunity to present the same before now.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Fary J. Youngblood et al, F. D. 134, Cornelia Hill, F. D. 135, Alkira Viggins et al, F. D. 168, Richard Vann, F. D. 169, and George W. Vann, D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. McRea, present.

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 fore-

going 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, 1902.

(Seal)

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

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing 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 31st day of July, 1902.

*Bruce C. Jones*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 17, 1902.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-115.

APPEARANCES:

A. S. McRea, for applicant.  
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

No. 9.	G. W. Vann, vs. Cherokee Nation.	}	Before the Commission on Citizenship, Tahlequah, C. N.  May 2nd, 1878.
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The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was ~~owned~~ owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper book as the Decree of the Commission, in said case.

Attest:

D. L. Nicholson,  
Clerk of Court.

Jno. Chambers, Pres.  
O. P. Brewer,  
Geo. Downing.

MR. McREA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed here with the record showing that the claimant George Vann made application before the Commission set forth.

MR. HASTINGS: The above objection is refuted by the judgment itself which shows that the claimant, George W. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

MR. McREA: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has



had time and opportunity to present the same before now.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al, F. D. 124, Cornelia Hill, F. D. 125, Almira Wiggins et al, F. D. 128, Richard Vann; F. D. 129, and George V. Vann, D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. McRea, Present.

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 22nd day of May, 1902.

*J. R. Reuter*  
Notary Public.

7D115

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 13 1902

 ACTING CHAIRMAN

1

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September 15th 1902.

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

F. D. 115.

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Brief on part of the Cherokee Nation.

This is one of the most important Cherokee Freedmen cases pending before the Commission for the reason that it not only settles the status of the applicant George W Vann but upon its final determination turns the nineteen other cases in which George W Vann was a principal witness.

The evidence in this case is ~~extensive~~ voluminous and we especially request that it be carefully read and studied before a conclusion is reached. Counsel for applicant has filed a brief and especially calls attention to the evidence of Warren Gilpatrick, Horace S. Norman, John Williams, John Reutizel, Granville Crogshaw, taken on behalf of the applicant to support his contention that he was a slave in the Indian territory of a citizen of the Cherokee Nation at the breaking out of the civil war and that applicant returned to the Cherokee Nation and qualified under the Ninth Article of the Treaty of eighteen hundred and sixty six between the United States and the Cherokee Nation. We wish to call attention to some of the questions and answers in the evidence given by the parties named and ask you as an unbiased and disinterested judge to pass upon the truthfulness or falsity of same.

First we will notice the testimony of Warren Gilpatrick (Original Testimony page nineteen)

"Q When did you hear him say that Jim Vann owned him?"

"A I heard him say it all along."

"Q Before the war?" "A Yes sir."

"Q But you remember distinctly of seeing George Vann there?"

"A I remember of seeing who they called his boss and they called him Jim Vann."

"Q You remember of seeing him there in '66; in the country?"

" I remember them there calling him Jim Vann."

Q " That was on the river this side of port Smith?" "A Yes sir."

This man clearly shows that his testimony is false and that he is and that he is so disreputable that he is not worthy of belief. He tries to make you believe that he knew Jim Vann the alleged owner of George W. Vann - But cannot tell you who he belonged to. He is a claimant to citizenship and George W. Vann has formulated Gil Patricks evidence and testified for him.. This man Horace S. Norman is also a claimant to citizenship and one of George W. Vann's proteges and George W. Vann is found swearing for him. Norman knows nothing of yanns owner at the breaking out of the civil war and what he has said along that line is a sheer fabrication containing not a scintilla of truth and manufactured by George W. Vann, under the contaminating influence of the negro organization which is under the wing of George W. Vann, organizer and founder.

To show was desperate straights Vann was placed in he goes to the slums of Fort Smith, Arkansas and draws from their filth a man by the name of John Williams known as "Bum"; a man who for years has roamed the streets from saloon to saloon and begged a drink; unfortunate a man who has seen better days but now sunk below his nature and to the level of George W Vann, ready to do anything or swear anything this imposter and perjured liar George W . Vann may command. When we say "Perjured" we say so because the record in this case absolutely shows that he, George W. Vann, in order to try to break down the evidence of Annie Green testified to a vile and wilful lie and that he did it knowingly and premeditatedly. Later in this brief we will call attention to the evidence given by him.

Counsel for applicant in his brief page two, attempts to say that the respondent or defendant has introduced testimony of a flimsy and uncertain kind and mentions the name of Mrs Brewer, <sup>and</sup> Joe Bruner . We leave him to his own misguided conclusions and call attention to the fact that no lady ever bore a better name than Mrs Brewer or was more highly esteemed among her neighbors and friends. Mrs Brewer is the sister of Jim Vann the alleged owner of the applicant in this case and she says positively that George W Vann was not a slave of her fathers estate and afterwards owned by her brother. (Pages 1 to 5 of Mrs Brewers testimony taken September 15th 1901, at Fort Gibson.)

Mrs Brewer is not alone in her statements that the applicant was not owned by her brother, but Joe Bruner a former slave of the family swears that there was only one George belonged to the family and that he was drowned in the marmaton river in the state of Kansas. (See Joe Bruners testimony taken in behalf of the Cherokee nation in this case.) Bruner it will be remembered was a slave of the Vann family and had lived with them for years and knew the slaves of Joe Vann and Jim Vann and like Mrs Brewer was in a position to know that the applicant in this case was not a slave of Jim Vann or Joe Vann and that he at no time, had belonged to the family.

This disreputable and unscrupulous man in his desperation and wanton effort to show that he was a slave in the Cherokee Nation, when confronted with Mrs Brewer and Joe Bruner tried to show that he was hired by Jim Vann to Ben Johnson and was working on the Ben Johnson place at the breaking out of the Civil War; knowing as he doubtless did that Ben Johnson was dead; but fortunately for the Cherokee Nation and unfortunately for the applicant, Joe Johnson a former slave of Ben Johnson testified that the applicant was never on the Ben Johnson place prior to the war (See Joe Johnsons testimony pages 3 to 5 Taken September 13, 1901.) at Fort Gibson, I. T. ) And further that Joe Johnson returned <sup>to</sup> the Ben Johnson old place in 1865 and that the applicant was not there until about 1877. Johnson, it is true is a Freedman citizen of the Cherokee nation, but he is fully corroborated by facts that the applicant himself; though unscrupulous as he is, would not undertake to deny. Gabrael Payne who has lived in the Arkansas river bottom on the territory side in the Cherokee Nation was called as a witness and testified on the 13th day of September 1901:

"Q Are you acquainted with a colored fellow who goes by the name of George W. Vann now?" "A Yes sir."

"Q How long have you known him?" "A I have known him since about February or March '77. I couldn't say which."

"Q Did you have any conversation with him in regard to where his family was?" "A He said they was at Argenta."

4

This man Payne had been living in Sequoyah District, Cherokee Nation, just across the river from Fort Smith, Arkansas since 1869 and the first time he ever saw this applicant was in the winter of 1877 and after the railroad was built from Fort Smith, Arkansas, known as the Little Rock & Fort Smith Railroad. This railroad it will be seen by reference to the charter granted was not ~~built~~ constructed until the early seventies, thus showing that the applicant was not in the vicinity of Fort Smith, prior to the building of the railroad.

There is another and very important fact that, to our mind, shows the character of this applicant and shows that he would resort to any device, even to false swearing to win.

Annie Green was called as a witness against him and gave evidence of the applicant having lived in Argenta, Arkansas, a neighbor to her mother. See Annie Green's testimony taken at Fort Gibson I. T. April 29, 1901. On April 30th the day following the taking of Annie Green's original testimony and after the applicant and his band had had an opportunity to formulate a wilful and malicious falsehood, the said George W Vann in order to weaken the evidence of Annie Green, was called as a witness and gave evidence; Pages four and five of the evidence taken in this case April 30th 1901 in the giving of evidence, the said applicant stated that he never lived in Argenta, Arkansas, but about eight months in his life and that while he was living there, was during the Brooks-Baxter war; two months in the garrison, and six months when he was appointed constable by Governor Hadley; that while he acted as constable Annie Greer, now Annie Green, killed a man she was living with as her husband and that he, as constable, made the arrest, and went into full details as to the number of deputies he had and told how the killing took place.

This story of the applicant is not one of sudden thought but is one of deep laid villany and perjury deliberately done; knowing the same to be false and given for the sole purpose of trying to win this case, but as of old, the facts came to light and the scoundrel is not only contradicted and impeached by living witnesses but by records which have been filed in this case.

The records filed show that he was appointed by the Governor of Arkansas as constable of the eastern township of Pulaski County in February 1873; more than a year before the breaking out of the Brooks-Baxter war;

The indictment shows that Annie Greer, was indicted for the killing of her husband on April 24th 1886, twelve years after the Brooks-Baxter war, but notwithstanding these records this disreputable liar tries to convince this Commission that he was only in the State of Arkansas eight months - a lie so wilful and malicious that it sparkles with the glittering crowns of the devils contained therein, not a lie by an ignorant negro but by a man of experience, a man ~~whom~~ who goes abroad in the land blaspheming God by claiming to be a minister of the Gospel thus desecrating the noblest calling endowed by God to man.

A man who has not ~~scruples~~ scruples and will not stoop to anything should not be given a chance to scatter the poison of falsehood and the venom of iniquity abroad in the land; Here we have him proclaiming that he was only in Arkansas eight months, and if it was true as the records show and he was present and acting constable at the time Annie Greer killed her husband he resided in the State of Arkansas from February 1873 until May 1886, more than thirteen years-- but we find that in ~~his~~ his desire to impeach Annie Green, he again lied-- that he was not constable at the time the killing took place and took not part in making the arrest.

See the Testimony of W. R. F. Payne taken before the Commission at Fort Gibson, September 12, 1901.

Mr. Payne it will be seen was the deputy constable under William Doty and assisted Mr. Doty in making the arrest and he states positively that George W. McCamy had nothing to do with making the arrest and was not constable at the time. Attention is called to the fact that at no time while the applicant lived in Argenta, Arkansas was he known by the name of Vann but always by the name of McCamy (Or McKamy) and that his son was on the 12th day of September 1901 living in Argenta and was known as Jim McCamy; and that his son had been living in Argenta for more than a year--See testimony of Amanda Yarbough, Fannie Hoerman; John Bynum and Charles Toliver of Argenta, Arkansas, which was taken on the 12th day of September 1901, as to the length of time applicant resided in Arkansas and where he said he came from when he came to Argenta, Arkansas.

We call your attention to the application made by the applicant for his son Jim which will show that he claimed his son had broken his leg and

could not attend to make the application. This is the same son known as Jim McKamy and who was living in Argenta and well.

We have now called attention to the most important evidence and the number of witnesses used by or in behalf of the Cherokee Nation and we contend that taking the evidence of J. H. Bowers, Joe Bruner, Gabriel Payne, Joe Johnson, D. M. Wisdom and others who live in the Indian Territory and the evidence of W. R. F. Payne, John Bynum, Fannie Moorman, Amanda Yarbough and Charles Tolliver, who live at Argenta that we have fully and successfully contradicted the fact that Vann was a slave in the Cherokee Nation at the breaking out of the civil war, belonged to a Cherokee citizen or that he returned to the Cherokee Nation within six months after the treaty of 1866.

We further desire to call the Commission's attention to the records in the case introduced by the Nation which shows that Vann applied to what is known as the Chambers Citizenship Court on May 2nd 1878, and was denied citizenship on the ground that applicant had failed to show that he was a slave in the Cherokee Nation at the breaking out of the war or that he qualified under the treaty of 1866..

It will also be seen that in 1896, the applicant applied to the Dawes Commission for enrollment as a Cherokee by blood and his application was denied.

Thus it is seen that the applicant was not positive as to where he belonged and was not taking any chances and would apply to any and all of the courts and would swear in one that he was a Cherokee by blood, if rejected would then swear that he was a Freedman--His elastic conscience expanding to suit the occasion.

Counsel for applicant says the proposition of Vann's rights has been ~~presented~~ fully passed on by the United States Court for the Western District of ~~the State of~~ Arkansas. We are even surprised at this position taken by Counsel--Had it been Vann, nothing he could do or say would surprise us where he was interested but for a man claiming to be a lawyer to present such an argument we are almost lead to believe the old adage, "That evil associations corrupt good morals."

Be that as it may we desire to say that the Nation was not a party to the suit and could not be bound by the judgment of the court, if one was rendered. Again we are not advised that the United States Court for



the Western District of Arkansas was ever clothed with jurisdiction to hear and determine citizenship cases in the Cherokee Nation.

Counsel for applicant has been very kind in presenting his brief and doubtless we may be some day able to treat him with the same courtesy, for we understand the burden and weight he has labored under and we are satisfied when he used the following language he did not understand its meaning:

"... Then we are ~~curious~~ <sup>denounce</sup> curious to know and we ~~denounce~~ our legal contemporaries, the legal representatives of the Cherokee nation for denying any claim of the said claimant George W Vann."

We do not think we merit the denunciation heaped upon us because we were so fortunate as to exist at the same time as counsel for applicant.

The Cherokee Nation contends that the burden of proving the two necessary facts to constitute citizenship under the treaty of 1866, is upon the applicant, and that taking the evidence in this case he has wholly failed to show by any reputable witness that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the civil war; that all of the family that he claims to have belonged to say that he never belonged to the family; that all of the slaves of the Vann family to whom he claims to have belonged and the Johnson family for whom he claims he was working at the breaking out of the war say he was not on the Johnson place. All the old slaves who lived near Jim Vann <sup>before</sup> ~~during~~ the war and were with his slaves often say they never saw him there. Not the hand of a reputable and truthful person has been raised and his voice heard in behalf of the applicant that he was a slave in the Cherokee Nation at the breaking out of the war.

We deny that the Cherokee nation has resorted to any scheme and positively say that the assertion in the brief of counsel for applicant to the effect is untrue. We have brought before the Commission disinterested witnesses, many of whom were of the same nationality as applicant and they gave their statements and applicants counsel cross examined them; not one of the witnesses in the case came from "bleeding Kansas" and no "emissary" was sent to Kansas. The "emissary" went to the former home of the applicant, Arkansas, where he had lived for years and where as shown by statements made by the applicant he had lived since he came from the State of Alabama.

We can not understand why the applicant could not secure some citizen Freedman or citizen by blood who had seen him before or just after the war. The facts in the case certainly show that the statement of the applicant is a falsehood, of whole cloth; that he has gathered bits of the history of the Vann family and put them together and tried to impersonate the George Vann that is shown to have been drowned in the Marmaton river in Kansas. Were his story true, or had it the first resemblance of truth, would he have been in Arkansas holding an office as McKamy--Why change the name; if his name was Vann here why should it not remain the same when he was in Arkansas.

In conclusion we submit that the records in this case clearly show that applicant was never owned as a slave in the Cherokee Nation before the war; that his name was George McKamy and not Vann; that he was not in the Cherokee Nation until 1877; that he remained in Argenta, Arkansas from 1872 to 1877, about the time the testimony of the witnesses who lived at Argenta say he ran away from there for shooting a woman and the testimony of Gabriel Payne shows when he arrived in the Cherokee Nation.

This man testified in more than nineteen cases and we especially call your attention to his testimony in the case of Rachel Baker F. D. 57 and Hartwell Houston F. D. 188. In these cases his statements are so false that the Commission denounces them unworthy of belief.

We submit that there is nothing in the testimony to entitle this wicked, unreliable and perjured hypoerite or any member of his family to enrollment and their applications should be rejected.

Respectfully submitted,

Lucien B. Bell  
 William W. Hastings  
 James A. Davenport  
 Attorneys for the Cherokee Nation.

Attest:

J. C. Starr  
 Stenographer.

Cherokee Freedmen B 115.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskegee, I. T., January 25, 1904.

In the matter of the application for the enrollment of  
George W. Vann, et al., as Cherokee Freedmen.

S U P P L E M E N T A L   S T A T E M E N T .

An examination of the records of this Commission shows that the said George W. Vann made application to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress, approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Cherokee Nation, claiming the right to admission by reason of Cherokee blood alleged to have been derived through his mother, Charlotte Brown, from her father, John Brown, said to have been a fullblood Cherokee Indian; that the application of said George W. Vann under said act was denied by said Commission, and no appeal taken from such decision.

It is ordered that this statement be made a part of the record in the above entitled case.

  
\_\_\_\_\_  
COMMISSIONER.

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

505

In the matter of the application of George W. Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George W. Vann, et al.,.....	Cherokee Freedmen	D	118
Mary J. Youngblood, et al.,....	"	D	134
Cornelia Hill,.....	"	D	138
Elmira Wiggins, et al.,.....	"	D	168
Richard Vann,.....	"	D	169
Young Vann, et al.,.....	"	D	1070
Isaac B. Vann, et al.,.....	"	D	1071
Mary J. Qualls, et al.,.....	"	D	1096

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 George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, Harrison, James and Peter Vann; said application also included his wife, Mary J. Vann, for whom he applied for enrollment as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time she is not embraced in this decision; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Geralee, Cassie E., Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Ann W. and Gust Vann; by Isaac B. Vann for himself and his two minor children, Felix and Catherine Vann; the last named application also included Belle Vann, wife of said Isaac B. Vann, but she is differently classified and is not embraced in this decision; and by Mary J. Qualls for herself and her minor children, James, John, Vestly, Emperor, Sarah and Ben Qualls. Copies of the testimony of W. W. Wheeler taken in the case of Joseph Bruner, et al., Cherokee Freedmen D 1082, are made a part of the record herein.

The principal applicant, George W. Vann, claims right to enrollment as a Cherokee Freedman, alleging that he was, at the commencement of the rebellion, the slave of Jim Vann, a Cherokee citizen. It appears that said Jim Vann was one of the children of Joe Vann, a Cherokee citizen, who owned a large number of slaves, among them being one named George Vann; that some time prior to 1860 Joe Vann was killed and his slaves bequeathed to his children, his daughter, Belliah Vann, coming into possession of George Vann last above mentioned; and that said George Vann was afterwards drowned

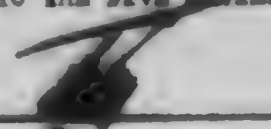
at Fort Scott, Kansas. The correct name of said principal applicant seems to be George W. McKamy, which name he bore from a time long before the war down to about 1877 or later, and it does not appear that said principal applicant was the slave of Jim Vann or any other Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the rebellion.

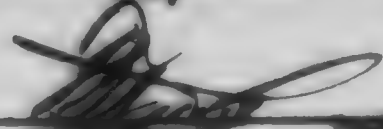
The evidence further shows that all the other applicants herein were born since the commencement of the rebellion, that their rights to enrollment, if they possess any, are based upon those of said George W. Vann except the applicants, Elmira Wiggins with her two children, Alberta and Herbert Wiggins, Young Vann with his two children, Ann W. and Gant Vann, Mary J. Qualls with her six children, James, John, Westly, Emperor, Sarah and Ben Qualls, and Isaac B. Vann with his two children, Felix and Catherine Vann, whose rights to enrollment, if they have any, are based upon those of James Vann. The said James Vann, also called Jim Vann in the testimony, was born before the commencement of the rebellion and is a son of the principal applicant. It is alleged that said James Vann was the slave of a Cherokee citizen at the commencement of the rebellion, but it is not proven that he returned to or was residing in the Cherokee Nation at the time of the passage of the Cherokee treaty of 1866 or at any time within six months thereafter, the only evidence tending to show that he did return within such period being that of said George W. Vann, and it is shown by the evidence that the latter was not in the Cherokee Nation, himself, during said period.

None of the names 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 George W. Vann, his children, Harrison Vann, John Vann and Jane Vann, and his grandchildren, John Vann, Richard Vann, Thomas Vann, Harrison Vann, James Vann and Peter Vann; Mary J. Youngblood and her children, Sarah A. Howell, Pearly Hill, Coralee Youngblood, Cassie M. Youngblood, Richard Youngblood and Washington Youngblood; Germaine Hill; Elmira Wiggins and her children, Alberta Wiggins and Herbert Wiggins; Richard Vann (son of George W. Vann); Young Vann, Ann W. Vann and Gant Vann; Isaac B. Vann and his children, Felix Vann and Catherine Vann; and Mary J. Qualls and her children, James Qualls, John Qualls, Westly Qualls, Emperor Qualls, Sarah Qualls and Ben Qualls as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 498), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
COMMISSIONER.

  
\_\_\_\_\_  
ASSISTANT COMMISSIONER.

  
\_\_\_\_\_  
C. L. WILLIAMS.

Muskogee, Indian Territory,  
this MAY 11 1898

  
\_\_\_\_\_  
W. E. SAWYER.

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

In the matter of *Quapaw, Cherokee, Chickasaw, Choctaw and Creek Tribes*, and in relation to the  
marriage of the *Quapaw, Cherokee, Chickasaw, Choctaw and Creek Tribes*.

John A. ...  
John B. ...  
John C. ...  
John D. ...  
John E. ...  
John F. ...  
John G. ...  
John H. ...  
John I. ...  
John J. ...  
John K. ...  
John L. ...  
John M. ...  
John N. ...  
John O. ...  
John P. ...  
John Q. ...  
John R. ...  
John S. ...  
John T. ...  
John U. ...  
John V. ...  
John W. ...  
John X. ...  
John Y. ...  
John Z. ...

John A. ...  
John B. ...  
John C. ...  
John D. ...  
John E. ...  
John F. ...  
John G. ...  
John H. ...  
John I. ...  
John J. ...  
John K. ...  
John L. ...  
John M. ...  
John N. ...  
John O. ...  
John P. ...  
John Q. ...  
John R. ...  
John S. ...  
John T. ...  
John U. ...  
John V. ...  
John W. ...  
John X. ...  
John Y. ...  
John Z. ...

George Reed, Sr.,  
 Buck Ledman,  
 Bell Thompson,  
 Lewis Scott,  
 Abe Scott,  
 Kender Lampson,  
 Thomas E. Allen,  
 Lewis Vanderford,  
 John L. Bowlin,  
 Katie Davis,  
 Charles Williams,  
 John J. Ross,  
 Jane Martin,  
 Lena Peterson,  
 Alex Johnson,  
 Martha Vann,  
 John Scott,  
 Nancy Ross,  
 Charles C. Smith,  
 Susie Colbert,  
 William Skaggs,  
 Susie Johnson,  
 Alfred F. Hopkins,  
 Klara Vann,  
 Freddie Looney,  
 Lucy Chantam,  
 Alice Durant,  
 Mahaley Ward,  
 Fred D. Thomas,  
 Bettie Beck,  
 Ellis Warren,  
 Millie Robinson,  
 Mary Webber,  
 Frances Martin,  
 Mary Wiley,  
 Emanuel Taylor,  
 Henry Sykes,  
 Larkin P. Powell,  
 Stepmey Dawn,  
 Malinda Vann,  
 Frances Johnson,  
 Annie Foster,  
 Mary H. Rogers,  
 George Washington Lane,  
 Jane Brown,

Cherokee Freedmen D-382,  
 Cherokee Freedmen D-406,  
 Cherokee Freedmen D-411,  
 Cherokee Freedmen D-420,  
 Cherokee Freedmen D-421,  
 Cherokee Freedmen D-434,  
 Cherokee Freedmen D-444,  
 Cherokee Freedmen D-436,  
 Cherokee Freedmen D-444,  
 Cherokee Freedmen D-455,  
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 Cherokee Freedmen D-550,  
 Cherokee Freedmen D-552,  
 Cherokee Freedmen D-573,  
 Cherokee Freedmen D-584,  
 Cherokee Freedmen D-588,  
 Cherokee Freedmen D-606,  
 Cherokee Freedmen D-650,  
 Cherokee Freedmen D-665,  
 Cherokee Freedmen D-667,  
 Cherokee Freedmen D-674,  
 Cherokee Freedmen D-691,  
 Cherokee Freedmen D-693,  
 Cherokee Freedmen D-696,  
 Cherokee Freedmen D-699,  
 Cherokee Freedmen D-733,  
 Cherokee Freedmen D-736,  
 Cherokee Freedmen D-736,  
 Cherokee Freedmen D-741,  
 Cherokee Freedmen D-742,  
 Cherokee Freedmen D-743,  
 Cherokee Freedmen D-752,  
 Cherokee Freedmen D-752,  
 Cherokee Freedmen D-756,  
 Cherokee Freedmen D-760,

C.F.D. 115

Samuel L. Young,	Cherokee Freedmen D--761,
John Backner,	Cherokee Freedmen D--780,
Willie Cony,	Cherokee Freedmen D--781,
Leonard Bowles,	Cherokee Freedmen D--787,
Malinda Marrett,	Cherokee Freedmen D--788,
Charles Claggett,	Cherokee Freedmen D--788,
Samuel Irven,	Cherokee Freedmen D--798,
Mary Ross,	Cherokee Freedmen D--799,
Maggie Nave,	Cherokee Freedmen D--806,
Neoma Nave,	Cherokee Freedmen D--816,
Ella Ross,	Cherokee Freedmen D--840,
Elizabeth Duncan,	Cherokee Freedmen D--871,
Sadie Adams,	Cherokee Freedmen D--880,
Georgann Archer,	Cherokee Freedmen D--901,
John Claggett,	Cherokee Freedmen D--912,
Hattie Smith,	Cherokee Freedmen D--922,
Jack Jackson,	Cherokee Freedman D--922,
Lula Sanders,	Cherokee Freedmen D--973,
George Hazelrig,	Cherokee Freedmen D--987,
Littie West,	Cherokee Freedmen D--990,
Marie French,	Cherokee Freedmen D-1010,
Mary Johnson,	Cherokee Freedmen D-1039,
Maggie Vann,	Cherokee Freedmen D-1043,
William Hudson,	Cherokee Freedmen D-1067,
Sarah Rogers,	Cherokee Freedmen D-1078,
Abraham Ballard,	Cherokee Freedmen D-1082,
Laura David,	Cherokee Freedmen D-1085,
John Deckman,	Cherokee Freedmen D-1105,
James B. Perry,	Cherokee Freedmen E-- 30,
Isaac Walsh,	Cherokee Freedmen E-- 45,
Lawson Logan,	Cherokee Freedmen E-- 48,
George Hamalk,	Cherokee Freedmen E-- 56,
Henry Maik,	Cherokee Freedmen E-- 72,
George Adams,	Cherokee Freedmen E-- 82,
Annie Thomas,	Cherokee Freedmen E-- 83,
Lewis McConnell,	Cherokee Freedmen E-- 86,
Ollie Vann,	Cherokee Freedmen E-- 94,
Lon Peters,	Cherokee Freedmen E-- 96,
Ida Adair,	Cherokee Freedmen E-- 99,
Robert Brown,	Cherokee Freedmen E--109,
Alice Chambers,	Cherokee Freedmen E--102,
John Jones,	Cherokee Freedmen E--104,
Alice Gunter,	Cherokee Freedmen E--105,
Katie Adair,	Cherokee Freedmen E--106,
Carrie Martin,	Cherokee Freedmen E--107,



Benjamin Clark,  
 Ethely Looney,  
 John Groves,  
 Matilda McNair,  
 Bettie Vann,  
 Nelson Letty,  
 Fannie Rogers,  
 William Washington,  
 Squire Warren Owens,  
 Fathie Goldsby,  
 Susan Daniels,  
 Anderson Turk,  
 David Lane,  
 Felix McClain,  
 Henderson Jones,  
 Belle Vann,  
 Levi Stroud,  
 John Sumpster,  
 Mariab Thompson,  
 Ellen Sheppard,  
 Lula Melton,

Cherokee Freedmen R--198,  
 Cherokee Freedmen R--116,  
 Cherokee Freedmen R--117,  
 Cherokee Freedmen R--112,  
 Cherokee Freedmen R--123,  
 Cherokee Freedmen R--125,  
 Cherokee Freedmen R--126,  
 Cherokee Freedmen R--141,  
 Cherokee Freedmen R--142,  
 Cherokee Freedmen R--144,  
 Cherokee Freedmen R--148,  
 Cherokee Freedmen R--148,  
 Cherokee Freedmen R--155,  
 Cherokee Freedmen R--165,  
 Cherokee Freedmen R--178,  
 Cherokee Freedmen R--181,  
 Cherokee Freedmen R--196,  
 Cherokee Freedmen R--211,  
 Cherokee Freedmen R--220,  
 Cherokee Freedmen R--237,  
 Cherokee Freedmen R--247,

## DECISION.

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

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

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

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

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

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

Squire Warren Owens, Fannie Goldeby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

### COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,  
Chairman.

[SIGNED] T. B. NEEDLES,  
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,  
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

# **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. George W. Vann,  
Benge, I.T.  
Cherokee F-D-115  
Register.

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

Cherokee 7, 2, -118.

Muskogee, Indian Territory, September 18, 1902.

A. B. McKee,

Attorney for George W. Vann et al.,

Muskogee, Indian Territory.

Dear Sir:-

There is enclosed you herewith copy of brief filed with the Commission by the Attorneys for the Cherokee Nation, in the matter of the application of George W. Vann et al, for enrollment as Cherokee Freedmen.

Yours truly,

Acting Chairman.

Enc. 7-137.

Cherokee Freedmen  
J-116 et al.

Waskoon, Indian Territory, March 21, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George W. Vann et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George W., Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Coralee, Cassie M., Richard and Washington Youngblood, Cornelia Hill, Elmira, Alberta and Herbert Wiggins, Young, Ann W., Gert, Isaac B., Felix and Catherine Vann, Mary J., James, John, Westly, Emperor, Sarah and Ben Spalls as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. 2-10.

COPY.

Cherokee Freedmen D  
D-115 - 169.

Muskogee, Indian Territory, March 22, 1904.

George W. Vann,  
Benge, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself, your three minor children, Harrison, John and Jane Vann, your six grandchildren, John, Richard, Thomas, Harrison, James and Peter Vann, and for Richard Vann as Cherokee freedmen. Your attorney, A. S. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

*W. V. Vann*  
Commissioner in Charge.

Register  
Enc. Del.



COPY.

Cherokee Freedmen  
D-116 et al.

Muskogee, Indian Territory, March 22, 1904.

A. F. Moran,

Attorney for George W. Vann et al.,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental proceedings had in the consolidated case of George W. Vann et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George W., Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter, and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Coralee, Cassie W., Richard and Washington Youngblood, Cornelia Hill, Almira, Alberta and Herbert Wiggins, Young, Ann W., Gunt, Isaac W., Felix and Catherine Vann, Mary J., James, John, Vestly, Emperor, Sarah and Ben Qualls, as Cherokee freedmen. You have heretofore been furnished with a copy of the original record.

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

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

Respectfully,

*B. Needles*

Register,

Inc. D.C.

Commissioner in Charge

GUP

Cherokee Freedmen  
D-115 et al.

Muskogee, Indian Territory, March 28, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of George W. Vann et al., rejecting the applications for the enrollment of George W., Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Coralee, Fannie M., Richard and Washington Youngblood, Cornelis Hill, Elvira, Alberta and Herbert Wiggins, Young, Ann V., Gert, Isaac N., Felix and Catherine Vann, Mary J., James, John, Westly, Superior, Sarah and Ben Qualls 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,

*W. B. Needles*  
Commissioner in Charge

Cherokee Freedman

D-118.

Muskogee, Indian Territory, September 14, 1904.

George W. Vann,

Roland, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of August 18, 1904, asking if you will have to give up your home on account of Mr. Hastings.

In reply you are advised that the Commission's decision, dated March 11, 1904, rejecting your application for enrollment as a Cherokee Freedman was forwarded to the Secretary of the Interior on March 22, 1904, for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen  
D-118 and D-169

Muskogee, Indian Territory, September 28, 1904.

Tom W. Neal,

Tahlequah, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of September 20, stating that you have been retained as counsel in Cherokee freedmen cases Nos. D-118 and D-169, and asking to be furnished with copies of the testimony taken in said cases.

In reply you are advised that A. S. McRae, Muskogee, Indian Territory, the former attorney for the applicants in these cases has heretofore been furnished copies of the testimony taken in said cases, and you are requested to secure the testimony from him.

Respectfully

(SIGNED). *Tarns Bixby.*  
Chairman.

Copy

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, October 10, 1904.

Land.  
29181-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Coralee, Cassie M. Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, George W.

Vann, whose correct name seems to be George W. McKamy, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The evidence shows that all of the other applicants were born since the beginning of the rebellion and any rights to enrollment they possess are derived from the same George W. Vann.

None of the names of the applicants is found on the 1880 authenticated Cherokee roll.

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

Very respectfully,

Acting Commissioner.

M.M.M.  
W.

305  
Cherokee Freedmen  
D 118

Muskogee, Indian Territory, January 25, 1904.

Commission to the Five Civilized Tribes,  
Creek Enrollment Division,  
Muskogee, Indian Territory.

Gentlemen:

You are requested to inform the Cherokee Enrollment Division whether Mary Jane Vann (formerly Roach), listed for enrollment on Cherokee Freedmen Card D 118, has ever made application for the enrollment of herself or her children, Harrison, John and Jane Vann, as Creek citizens or freedmen; and if so, what is the present status of such applications?

The said Mary Jane Vann (or Roach) is alleged to be the daughter of Bob Marshall. It appears that she is now the wife of George W. Vann, to whom she was married some time between 1865 and 1875. In 1901 her age was given as 45 years and the ages of her said children as follows: Harrison, 19 years; John, 14 years, and Jane 11 years.

Respectfully,

Commissioner in Charge.



COPY.

Cherokee Freedman  
D-115.

Muskogee, Indian Territory, January 24, 1905.

Mary Jane Vann,

Benge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage. A copy of the decision has this day been forwarded to your attorney, A. S. McRea, Muskogee, Indian Territory.

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

Respectfully,

(SIGNED) *Tams Dixby*  
Chairman.

Encl. L-16.

Register.

COPY.

Cherokee Freedmen  
D-115 et al.

Muskogee, Indian Territory, January 24, 1906.

A. S. McRea,

Attorney for Mary Jane Vann et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of Mary Jane Vann and Belle Vann as Cherokee citizens by intermarriage.

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

Respectfully,

Encl. L-117.

Register.

(REED)

*Tame Bixby.*  
Chairman.

COPY.

Charles F. Johnson  
D-14 et al.

Muskogee, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Jarvis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassin Williston, Mary Marlin, Nellie Fields, John Kimbe, William S. Kadden, Jack Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Madeline Alberty, Kate Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Roll Davis, Samuel Bryon, Howard P. Watson, Jack McConnell, Elsie Mankley, George Reed, Sr., Sam Latham, Bill Thompson, Lewis Scott, Abe Scott, Kendler Langton, Thomas E. Allen, Lewis Vancloffer, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Wade Galtart, William Hogg, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Frankie Doney, Lucy Chestnut, Alice Darnet, Elizabeth West, Fred E. Thomas, Nettie Mack, Ella Warren, Millie Robinson, Mary Walker,

Frances Martin, Mary Riley, Emanuel Taylor, Mary Stone, Lottie J. Powell, Stepony Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel E. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Marrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Vann, Emma Vann, Ella Ross, Elizabeth Duncan, Sallie Adams, Georgeann Archer, John Claggett, Fattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Ligeia West, Maria French, Mary Johnson, Maggie Vann, William Hinson, Sarah Rogers, Abraham Bailard, Laura David, John Jackson, James B. Petty, Isaac Welch, Lawson Logan, George Howell, Henry Mair, George Adams, Annie Thomas, Lottie McConnell, Callie Vann, Sam Peters, Ida Mair, Robert Brown, Allie Chambers, Lora Jones, Alice Guber, Katie Adair, Corrie Martin, Benjamin Clark, Molly Levey, John Graves, Matilda McNair, Bessie Vann, Nelson Holt, Fannie Hight, William Washington, Squire Warren Stone, Fannie Galtby, Sam Daniels, Anderson Turk, David Lane, Felix McClain, Washington Jones, Belle Vann, Levi Brown, John English, Martha Johnson, Ellen Sheppard and Lula Walton, as Cherokee citizens by inter-marriage, including the Commissioner's decision dated January 29, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tams Bixby*  
Special Agent

Encl. K-6.

Through the  
Commissioner of Indian Affairs.

COPY.

Martha Freeman  
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Jewenport,  
Attorneys for the Cherokee Exiles,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission of the New Civilized Tribes, dated January 27, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matthews, Frances Balise, John Nelson, Mary Jane Vann, Thomas Love, Ella Bayfield, Nellie Snow, Susan Campbell, Van Jackson Luther, Susie Hightow, Mary Harlin, Nellie Fields, John Kinbe, William S. Hudson, Sam Peas, Albert E. Thomas, Mary Campbell, Cassius Jentals, Esterna Liberty, Jess Morris, Alexander Claggett, Susie Martin, Eliza Martin, John E. Martin, Nellie Davis, Samuel Brown, Edward F. Nelson, Paul Hallowell, Emma Hickey, George Nash, Sr., Dick Logan, Nellie Thompson, Lizzie Scott, Abe Scott, Frank Hampton, Thomas E. Rice, Louis Tuckerford, John I. Neville, Katie Davis, Susie Williams, John F. Dow, Sam Martin, Sam Johnson, Sam Johnson, Martha Vann, John Scott, Henry Ross, Charles E. Smith, Susie Gilbert, William Hight, Susie Johnson, Alfred F. Hudson, Thos Vann, Fannie Levey, Lou

Cheuteau, Alice Jurant, Mahaley Ward, Fred D. Thomas, Bettie Beck,  
 Nellie Warren, Millie Robinson, Mary Webber, Frances Martin, Mary  
 Hilley, Emanuel Taylor, Henry Sykes, Lucian P. Powell, Stephen Lane,  
 Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers,  
 George Washington Lane, Jane Brown, Samuel L. Young, John Dickson,  
 Willis Cox, Edward Bowles, Malinda Maxwell, Charles Otaggart,  
 Samuel Irven, Mary Bass, Maggie Vane, Emma Nove, Ella Ross,  
 Elizabeth Duncan, Sadie Adams, Georgeman Archer, John Claggott,  
 Hattie Smith, Jack Johnson, Julia Sanders, George Hamling, Isaac  
 West, Maria French, Mary Johnson, Maggie Vann, William Hinton,  
 Sarah Rogers, Abraham Ballard, Laura Davis, John Johnson, James  
 E. Perry, Isaac Veitch, Joseph Logan, George Bondi, Henry Hall,  
 George Adams, Annie Thomas, Lewis McDowell, Ollie Vann, Lou  
 Potaro, Ida Mann, Robert Ryan, Alice Chambers, Isaac Jones,  
 Alice Ginter, Mattie Blair, Carrie Martin, Benjamin Clark, Billy  
 Edney, John Groves, Hatlie Blair, Mattie Vann, Nelson Lett,  
 Fannie Rogers, William Washington, George Vernon Jones, Fannie  
 Gilday, Susan Daniels, Anderson Hall, David Lane, Felix McCallie,  
 Henderson Jones, Belle Vann, Levi Stewart, John Sawyer, William  
 Thompson, Ellen Sheppard and Julia Walker, as witnesses  
 by intermarriage.

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

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

Respectfully,

(SIGNED) *James Dixby*  
Special Agent

Incl. K-9.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply  
to the following:  
Lend.  
7906-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Burdick, Frances Nelson, John Nelson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Blair, Ruben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Hadden, Jane Ross, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Liberty, Sara Morris, Alexander Cleggott, Amanda Martin, Eliza Martin, John E. Swann, Bill Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maud Hunter, George Hood, Sr., Buck Lawson, Bill Whinnon, Louis Scott, Mrs Scott, Hender Langton, Thomas H. Allen, Louis Vanderford, John L. Bonin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, John Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, David Gilbert, William Huggs, Marie Johnson, Alfred F. Hopkins, Klara Vann, Freddie Loney, Mary Chastain,



Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepmey Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington, Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Beema Hays, Elie Hays, Elizabeth Duncan, Sadie Adams, Georganna Archer, John Claggett, Nettie Smith, Jack Jackson, Lula Sanders, George Hamelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James R. Parry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Gillie Vann, Les Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Mair, Carrie Martin, Benjamin Clark, Billy Leoney, John Greves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Eunice Jones, Belle Vann, Levi Stroud, John Snyter, Mariah Thompson, Ellen Sheppard, and Lula Halton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman, that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States Tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 2848-1904) in the Annual Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

U. F. Larrabee

Acting Commissioner.

Y.N.N.  
V.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

WV  
FBI.

I.T.D. 2904-1908  
D.S. 2027V-1908.  
LRS

April 17, 1908.

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

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Eli a Vann, Mary Markham, Frances Maiten, John Dotson, Mary Jane Vann, Thomas Low, Ella Mayfield, Nellie Rider, Benson Campbell, Van Johnson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Hodson, Jane Ross, Albert S. Thomas, Mary Campbell, Caroline Washels, Malvina Alberty, Mary Morris, Alexander Claggott, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Richard F. Watson, Jack Nelson Hill, Wade Wesley, George Hood, Jr., Ezekiel Latham, Bell Thompson, Louis Scott, Abe Scott, Kander Lupton, Thomas H. Allen, Lewis Vantoford, John L. Martin, Nellie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William  
Staggs, Susie Johnson, Alfred P. Hopkins, Kimmie Vann, Freddie  
Looney, Lucy Chouteau, Alice Durant, Mahaley War d, Fred B.  
Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,  
Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin  
P. Powell, Stepmay Dams, Malinda Dams, Frances Johnson, Annie  
Foster, Mary H. Rogers, George Washington Lani, Jane Brown,  
Samuel L. Young, John Dackner, Willie Cox, Leonard Dewkes, Nor-  
linda Marrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie  
Hawe, Neema Hawe, Ella Ross, Elisabeth Dunsan, Sadie Adams,  
Georgeann Archer, John Claggett, Hattie Smith Jack Jackson,  
Lula Sanders, George Hascraig, Lizzie West, Maria French, Mary  
Johnson, Maggie Vann, William Haden, Sarah Rogers, Abraham  
Ballard, Laura David, John Lockman, James B. Perry, Isaac Welch,  
Lawson Logan, George Howell, Henry Hair, George Adams, Annie  
Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair,  
Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie  
Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Crow s,  
Estilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William  
Washington, Squire Warren Owsen, Fannie Goldsby, Susan Daniels,  
Anderson Tusk, David Lane, Felix McElain, Henderson Jones, Belle  
Vann, Levi Stroud, John Gumpster, Harish Thompson, Ellen Sheppard  
and Ella Milton.

Reporting in the matter March 21, 1908, the Indian  
Office recommends that your decision be approved. A copy of  
its letter is inclosed.

The Department concurs in said recommendation, and  
your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

2 inclosures.

COPY.

Cherokee Proceeding

D-118.

Muskogee, Indian Territory, April 28, 1905.

Mary J. Vann,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED. *Tame Bixby.*  
Chairman.

COPY.

Cherokee Freedmen

N-115.

Muskogee, Indian Territory, April 28, 1906.

A. S. McRea,

Attorney for Mary J. Vann,

Muskogee, Indian Territory.

Dear Sir:

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

Respectfully,

(SIGNED) *Tams Bixby*  
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Waskagee, Indian Territory, April 20, 1906

Bell, Hastings & Ravenport,  
Attorneys for the Cherokee Nation,  
Waskagee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

Wm. J. Davis  
Chairman



COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 23, 1906.

Commissioner in Charge,  
Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED: *Tame Bixby.*  
Chairman.

C copy.

JF Jr.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 48730-1906.  
I.T.D. 10192-1904.  
11672- "

November 3, 1906.

LRS

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

Sir:

On October 10, 1904 (Land 20181), the Indian Office transmitted a report of the Commission to the Five Civilized Tribes dated March 27, 1904, forwarding the record in the matter of the consolidated applications of George W. Vann for himself, his three children, Harrison, John, and Jane Vann, and his six grandchildren, John, Richard, Thomas, James, and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill, and Coralee, Cassie M. Richard, and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah, and Ben Qualls, for enrollment as Cherokee freedmen, together with its decision dated March 11, 1904, adverse to all of said applicants. The Indian Office concurred in the decision of the

Commission. A copy of its letter is inclosed.

On November 14, 1904 (Land 77695), the Indian Office also forwarded a communication from the attorneys for the applicants, transmitting a motion to reopen said case and hear additional testimony. A consideration of said motion develops the following facts:

The rights of all the applicants in the case are found by the Commission to depend upon the right of the principal applicant, George W. Vann, ~~except applicants claiming by intermarriage~~ and the descendants of James Vann, known as Jim Vann, the son of George W. Vann, who it is alleged was the slave of a Cherokee citizen at the commencement of the rebellion, and returned within the period prescribed in the Cherokee treaty. The decision of the Commission is based upon the claim of George W. Vann that he is entitled to enrollment by reason of the fact that at the commencement of the rebellion he was the slave of a Cherokee citizen, one Jim Vann, and that he returned to or was residing in the Cherokee Nation within the six months named in the treaty of 1866.

In the consideration of this case a large amount of testimony has been introduced by both the applicants and the nation, based on the above contention. It is now alleged in the motion of the applicants that George W. Vann was a free colored person residing in the Cherokee Nation at the commencement of the rebel-

lion, and that his son, James Vann, was also a resident of the Cherokee Nation prior to the war. It is further alleged that there was a confusion of names in this case by reason of the fact that Jim Vann, the son of Josh Vann, a Cherokee by blood, was chosen by George W. Vann as his protector previous to the rebellion.

It is also stated that the Commission erred in holding that the applicants should prove their return on or before the 19th day of January, 1867, instead of February 11, 1867.

The Department has considered the motion, together with the arguments filed in reference thereto. The affidavits filed in support of the motion are vague and unsatisfactory. It does not appear from the record that the applicants returned to and established a bona fide residence within the Cherokee Nation prior to February 11, 1867, as is required to be shown by the act of April 26, 1906 (34 Stat., 137), in Cherokee freedman cases.

It is not apparent that the principal applicant can overcome the adverse effect of the decision of the Cherokee Citizenship Commission created by the Cherokee act of 1877, which decision is dated May 2, 1878. The act creating the commission provides as follows:

"The commission on citizenship shall have cognizance of and exercise complete jurisdiction over all cases arising under the constitution and laws of the Cherokee Nation involving the right of citizenship as hereinafter specified."

Judge Springer in an opinion in reference to Cherokee citizenship, stated--

"In all cases wherein it appears that applicants for citizenship in the Cherokee Nation filed their claims before the proper tribunal or commission and in all cases where the tribunal or commission acting within the scope of its jurisdiction as prescribed by the law of the Cherokee Nation, and admitted such persons to citizenship, this court will regard such cases as adjudicated, and in all cases where such applicants were rejected, the same rule will apply. In order to set aside such adjudications, whether in favor or against such applicants, it must be made to appear to this court, either that the tribunal or commission acted without jurisdiction, or that the decision of the commission was procured by fraud."--(First Dawes Commission Report, page 128).

The decision of the Citizenship Commission is not attacked by the applicant. He must also overcome the strong suspicion of fraud raised by his former testimony.

In view of these facts, it is not deemed proper to put the Government, the nation, and the applicants to the expense of a further hearing.

The motion is hereby denied. The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, adverse to the applicants, is affirmed.

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

Respectfully,

E. A. Hitchcock.  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

Cherokee F.  
D. 118. et al

Muskogee, Indian Territory, November 14, 1906.

George W. Vann,  
Roland, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself, children and grandchildren, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen your case, denied.

Respectfully,

Commissioner.

LMS

Cherokee V.  
D.118 et al.

Muskogee, Indian Territory, November 14, 1906.

A. S. Nelson,

Attorney for George W. Vann, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications of George W. Vann, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1904, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. C-89  
LMS

Cherokee F.  
D.118 et al.

Muskogee, Indian Territory, November 14, 1906.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications of George V. Vann, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 2, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. 6-22  
LMS



Muskogee, Indian Territory, February 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a petition received January 29, 1907, of George W. Vann, sworn to by him on that date, praying that he be permitted to file a motion for a rehearing of his Cherokee freedman case.

The decision of the Commissioner to the Five Civilized Tribes dated March 11, 1904, rejecting the application of George W. Vann for the enrollment of, among others, himself, children and grandchildren as Cherokee freedmen was affirmed by the Department November 3, 1906 (I.T.D.10192,11672-1904). Notice of the Department's action was given said Vann at his last known post office November 14, 1906. As his petition was not received within the time limited by the Act of Congress approved April 26, 1906 (34 Stats., 137), it does not appear that there is any authority of law for considering the same and his petition is transmitted, to be filed with

the original records in his case.

For the Department's information a copy of the Commissioner's letter acknowledging receipt of the petition is enclosed herewith.

Respectfully,

---

Commissioner.

Through the  
Commissioner of Indian Affairs.

Encl. V-2.  
S. V.

---

Muskogee, Indian Territory, February 8, 1907.

George W. Vann,

Roland, Indian Territory.

Dear Sir:

This office is in receipt of a communication from you dated January 29, 1907, in which you request to be permitted to file a motion for rehearing in your Cherokee freedman enrollment case.

In reply you are advised the records of this office show that on March 11, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of George W. Vann and his children and grandchildren as Cherokee freedmen; that on November 3, 1906, said action was affirmed by the Department, and that on November 14, 1906, George W. Vann and his attorney, A. S. McRea, Muskogee, Indian Territory,

George W. Vann-2.

were notified of the Department's action.

You are further advised that the Act of Congress approved April 26, 1906 ( 34 Stat., 137), in part provides:

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

Your petition has been forwarded to the Department for filing with the records in your case.

Respectfully,

L M B

Commissioner.

COPY.

Land.  
97132-1906.  
13607-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 16, 1907.

The Honorable,

The secretary of the Interior.

Sir:

Referring to departmental letter of November 3, 1906 (I.T.D. 10192-11672-1904) affirming the decision of the Commissioner to the five civilized tribes rejecting the application of George W. Vann for the enrollment of himself, children, and grandchildren as Cherokee freedmen, there is enclosed herewith a communication from the Commissioner to the five civilized tribes dated February 8, 1907, enclosing a petition received January 29, 1907, sworn to by George W. Vann, and praying that he be permitted to file a motion for a re-hearing in his case. Notice of the decision of the department was served on Vann November 14, 1906.

As his petition was not filed within the time limited by the Act of Congress approved April 26, 1906 (34 Stat. L., 157), it is transmitted herewith with the recommendation that it be formally denied. The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ENC-D

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

S.P.

I.T.D. 4022-1907.

February 20, 1907.

L.R.S.

DIRECT.

Commissioner to the five civilized Tribes,  
Muskegee, Indian Territory.

Sir:

On February 16, 1907 (Land 13607), the Indian Office transmitted your report dated February 8, 1907, forwarding a petition in the matter of the application of George W. Vann, et al., for their enrollment as Cherokee freedmen.

You state that this petition was not received within the time limited by the act of April 26, 1906 (34 stat., 137) and you do not consider that there is any authority of law for considering the same.

The Indian Office transmits said petition, together with the record, with the recommendation that it be formally denied. A copy of its letter is inclosed.

There being no authority of law for the consideration of this petition it is hereby denied.

The papers have been sent to the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and  
30 to Ind. Of.

1-21-07.

Cherokee F.  
D: 115.

COPY

Muskogee, Indian Territory, March 2, 1907.

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

Dear Sir:

You are hereby advised that the petition of George W. Vann to be permitted to file a motion for a rehearing in his Cherokee freedman enrollment case, was denied by the Secretary of the Interior, February 16, 1907.

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

Respectfully,

SIGNED *Tams Bix*

Commissioner.

Encl. C-175  
LMC

Cherokee F.  
D 115.

COPY

Cherokee, Indian Territory, March 2, 1907.

George W. Vann,

Roland, Indian Territory.

Dear Sir:

You are hereby advised that your petition to be permitted to file a motion for a rehearing in your Cherokee Freedman enrollment case, was denied by the Secretary of the Interior, February 16, 1907.

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

Respectfully,

SIGNED *Tamm Dixie*.

Commissioner.

Encl. C-7174  
LHC



NOTICE!

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FILED  
SEP 12 1901



ACTING CHAIRMAN

72115

---

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, | S. S.  
NORTHERN DISTRICT. |

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

*George W. Danni*  
on the *11<sup>th</sup>* day of *Sept* A. D. 1901  
*Frank Dick*

Subscribed and sworn to before me  
this *12<sup>th</sup>* day of *Sept* A. D. 1901.

*J. C. Starr*  
*Notary Public*

---

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

FILED  
SEP 12 1901

*[Signature]*  
ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF The application of Geo. W. Vann  
for enrollment as a Cherokee Freedman:

Case No. F. D. 115

To Geo. W. Vann, Muskogee, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee 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: **SEP 12 1901** 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 **11** day of **Sept.** 1901

*L. B. Bell*

*Attorneys for the Cherokee Nation.*

FD 115

D

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

FILED  
APR 27 1901



COMMISSIONERS  
HENRY L. DAVIS  
PAUL BIRBY  
THOMAS B. NEEDLES  
C. R. BRACKENRIDGE

ALLISON L. AVERETT  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

St. Gibson, Ind. Feb. APRIL 27th., 1901.

Received of the Commission to the Five Civilized Tribes one copy  
of the testimony in the matter of the application of George W. Van Orman  
for the enrollment as Cherokee Freedmen of the Cherokee Nation.

J. S. Gould  
ATTORNEY FOR APPLICANT.

Enc. 3 118.

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE BUREAU OF LAND MANAGEMENT

Washington, Indian Territory, April 20, 1908.

The Commissioner of the  
Bureau of Land Management

At Muskogee, Indian Territory.

Dear Sir:

I am pleased to have acknowledged of your letter of this  
date, requesting that you be supplied with the original papers  
relating to the land in 1890, in the case of George W.  
Walt, et al. vs. the Cherokee Nation, Cherokee Co., 1897. You  
will be advised you have them.

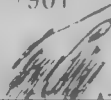
Very truly,  
Your obedient servant,

John C. Johnson,

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAY 7 1901



ASST. SEC. YAN

COMMISSIONERS  
HENRY L. DAWES,  
TAMM DIXIE,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AVLEWORTH,  
SECRETARY

Received of the Commission to the Five Civilized Tribes,  
copies of the testimony in the matter of the application of George  
W. Vann et al taken at Fort Gibson, Indian Territory, April 29th  
and 30th, 1901.

  
ATTORNEY FOR APPLICANT.

Vinita, Indian Territory,

May 7th, 1901.



Cher Fr R 837

Trans. from Cher Fr D 120

Cher Fr R 837

**STRAIGHT AS TO APPLICANT**

**BOUNDFUL as to his wife, FATIMA KEYS.**

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T. April, 19th 1901.

In the matter of the application of Jonas Keys for the enrollment of himself as a Cherokee Freedman and for the enrollment of his wife **FATIMA KEYS** as an inter-married Cherokee Freedman. He being first duly sworn by Commissioner T. W. Needles, testified as follows:

- Q What is your name? A. Jonas Keys.  
Q How old are you? A. 40.  
Q What is your post office address? A. Melvin.  
Q In what district do you live? A. Tahlequah.  
Q Do you apply as a Cherokee Freedman? A. Yes sir.  
Q Have you ever applied to be enrolled as a RR Freedman of any other Nation? 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. Yes sir.  
Q Who do you want to have enrolled besides yourself? A. Myself—my woman is an adopted citizen.  
Q Do you apply for her enrollment? A. No sir.  
Q Got any children? A. No sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows: Page 777, No. 1242, Jonas Keys, Tahlequah Dist.

The 1880 census roll of the Cherokee Nation examined and the applicant identified thereon as follows: Page 1318, No. 227, Jonas Keys, Tahlequah district.

- Q You say you don't want to apply for your wife? A. Yes sir I will apply for her.  
Q What is her name? A. Fatima.  
Q How old is she? A. About 70.  
Q Is her name on the roll of 1880? A. Yes sir I think it is.  
Q When were you married to her? A. 15 years.  
Q What was her name before you married her? A. Poorboy.  
Q Is she and Indian? A. No sir she is a white woman, but she was married to an Indian named Poorboy.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's wife identified thereon as follows: Page 780, No. 1225, Fatima Poorboy, Tahlequah dist.

The 1880 census roll of the Cherokee Nation examined and applicant's wife's name not found thereon.

- Q How long did you say you had been married to Fatima Poorboy? A. About fifteen years ago.  
Q Have you any proof of your marriage? A. Yes sir, that was over there, in Rome.  
Q You live with her now do you? A. Yes sir.  
Q Have you lived with her continuously ever since your marriage to her? A. Yes sir.

**JAMES M. KEYS**, called and sworn on a witness, testified as follows:

- Q What is your name? A. James M. Keys.  
Q What is your post office address? A. Cherokee.

Q Do you know the applicant here; Jonas Keys? A. Yes sir.  
 Q Do you know his wife, Fatima Poorboy? A. Yes sir.  
 Q Do you know whether they are married? A. I dont know if they are legally married or not, they are living together , and have lived together a good many years.  
 Q Are they recognized in the neighborhood as livingtogether as man and wife? A. Yes sir.

By the Commissioner of applicant-

Q Who married you? A. A preacher named Robinson.  
 Q Is he living? A. Yes sir.  
 Q Where is he living? A. Close to where I live.  
 Q Was Fatina Poorboy's Indian husband dead when you married her? A Yes sir.  
 Q Is she your first wife? A. Yes sir.

By Com'r Needles,-

The name of Jonas Keys is found on the authenticated roll of 1880 and the census roll of 1896. He is duly identified and makes satisfactory proof as to his residence, and he will now be listed for enrollment as a Cherokee Freedman. He avers that he is married to on Fatima Poorboy, whose name is on the Authenticated Cherokee Roll of 1880 as an inter-married white, she being a white person and her husband at that time being a Cherokee Indian by blood. He makes satisfactory oral proof as to his living with the said Fatima Poorboy as his wife. In order to full investigate the law as to the present citizenship of his wife, final judgment as to her enrollment will be suspended and her name will be placed on a doubtful card as an intermarried Cherokee Freedman, and it will be necessary for the applicant to file a certificate of his marriage to his wife.

+ + + + +

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 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 20th day of April, 1901, at Fort Gibson, I. T.

*[Signature]*  
 Commissioner.

B. J. J. 128.

CHEBOKKE BEEEDWEM

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 19 1901

  
ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date April 19, 1901  
Post Office Wetzel, W. Va.  
District W. Va.

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents: \_\_\_\_\_  
Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother Fatima \_\_\_\_\_ Citizenship \_\_\_\_\_

1 2 Name of wife James Keys \_\_\_\_\_ Age 70 \_\_\_\_\_

Owners name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year 1890 Page 790 No. 1603 District W. Va.

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. 380 \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by James Keys Stenographer Chas von Weise

1 On 1890 roll as Fatima Poor-boy

1 Am intermarried Cherokee in 1890, was married James Vann Act of marriage to be supplied.

X

3011

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
MAY 6 1901



ACTING CHAIRMAN

This Certifies that

Jonas Keys of Melvin, I. T.,  
Liney Poorboy of Melvin, I. T.,  
were by me united in

Holy Matrimony

at Melvin, I. T., according to  
the laws of the Cherokee Nation,  
and the ordinance of God, this  
19<sup>th</sup> day of September 1890,  
E. P. Robertson,  
a minister of the gospel,

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE PINE CIVILIZED TRIBES  
FILED  
SEP 10 1901

A handwritten signature in dark ink, appearing to be a stylized name, possibly "W. S. ...".

ACTING CHAIRMAN.



9.

7 : 120

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, | 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 FIVE CIVILIZED TRIBES.

FILED  
SEP 10 1901

 ACTING CLERK

# NOTICE!

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

Case No. E. D. 120

To

Fatima Keys, Melvin

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 LeFlore Gibson Indian Territory, on the following dates, to-wit: Sept 10

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 12 day of Aug, 1901.

L. R. Bull  
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 Fatima

Keys for enrollment as a Cherokee Freedman.

No. F. D. 120

J. C. Starr of lawful age, being duly sworn on oath states that on the 29th day of August, A. D., 1901, he registered to Fatima Keys whose postoffice is Melvin

Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto attaches the receipt of the Postmaster at Melvin Indian Territory,~~

and that on the 10th day of Sept, 1901, he received the return card which is hereto attached, signed by the said Fatima Poorboy showing that he had received said notice.

Subscribed and sworn to before me on this the 10 day of Sept A. D. 1901.

M. W. Hawkins  
Notary Public.

VALLEY

SEP 11 1931  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Department of the Interior,  
Washington, D. C., September 10, 1931.

Dear Sir:  
Reference is made to your letter of August 27, 1931,  
concerning the above-entitled matter. The Bureau  
has no objection to your proposed plan for the  
development of the land.

The Bureau has no objection to your proposed plan for the  
development of the land. The Bureau has no objection  
to your proposed plan for the development of the land.  
The Bureau has no objection to your proposed plan for the  
development of the land.

In this case, the Bureau has no objection to your  
proposed plan for the development of the land. The  
Bureau has no objection to your proposed plan for the  
development of the land.

The Bureau has no objection to your proposed plan for the  
development of the land. The Bureau has no objection  
to your proposed plan for the development of the land.  
The Bureau has no objection to your proposed plan for the  
development of the land.

*[Signature]*

Very truly yours,  
Director

*[Signature]*  
Director

8888

8

COMMISSION TO INVESTIGATE THE CLAIMS OF THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

26

Department of the Interior,  
Commission on the Five Civilized Tribes,  
Fort Gibson, Okla., September 15, 1901.

In the matter of the application of Patina Keys for enrollment as a Cherokee Nation.

Testimony introduced on behalf of Cherokee Nation.

Applicant of present:

L. S. Bell, of counsel for Cherokee Nation.

Commission: The Cherokee Nation makes satisfactory proof of service of notice on Patina Keys, showing that testimony would be introduced in the matter of her application for enrollment as a Cherokee free-man on the 10th day of September, at Fort Gibson, Indian Territory. Said Patina Keys has been called three times and does not respond.

Mr. Bell: In this case, we offer a certified copy of the opinion of the Supreme Court of the Cherokee Nation, June 20, 1871, in the matter of intermarriages; that is all the question involved in it.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings 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 September, 1901.

*W. D. Green*  
Notary Public.

VALLEY

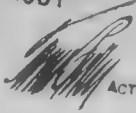
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DEPARTMENT OF THE INTERIOR,  
COMMUNICATIONS SECTION  
FILED  
SEP 10 1901



ACTING CHAIRMAN

"Tuesday Morning, June 20, 1871."

"Court convened--Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah "

"Lee Cooper, " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois "

"William Hudson, " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

*J. T. Parks*  
Executive Secretary of Cherokee Nation.

NOTE--"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

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

In the matter of the application of Tiney Keys for enrollment  
as an intermarried Cherokee Freedman, being sworn and examined by  
Commissioner Needles, and testified as follows:

Appearances:

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

- Q What is your name? A Tiney Keys.
- Q How old are you, aunt Tiney? A I reckon I am about 57 years old.
- Q What is your post-office? A Melvin.
- Q What district you live in? A Live in Tahlequah District.
- Q Are you a Cherokee citizen by blood? A Yes sir.
- Q You apply then to be enrolled as a Cherokee citizen & you?
- A No, darkey.
- Q Eli Poorboy was my first husband, and he was a full-blood Indian
- Q You are what, an Indian or a white woman? A I am a white woman.
- Q Who do you want to enroll anyone but yourself? A Nobody but myself.
- Q Are you married? A Yes sir, I am married and lawfully married.
- Q What is your husband's name? A Jonas Keys.
- Q Is he living? A Yes sir, he come here and got his rights.
- Q Did he apply for you when he came? A Yes sir, I got the notify from you.

BY MR. HASTINGS:

- Q Were you ever married to anybody besides Poorboy and Keys?
- A No sir.
- Q Never lived with anybody? A No sir.
- Q Always lived in the Cherokee nation? A Yes sir, right in this Cherokee Nation, up and down Fourteen Mile Creek; raised all my children there.

BY COM'R NEEDLES:

- Q Were you legally married to Jonas Keys? A Yes sir, lawfully married.
- Q Have you got any certificate of marriage? A Yes sir.
- Q Got it with you? A Why Mr. Robison had that all fixed.
- Q Who is Mr. Robison? A Evans Robison.
- Q Who is Evans Robison? A He was a preacher and a good preacher and a good man too.
- Q What was he, a Methodist? A Presbyterian.
- Q Your present husband is a colored man? A Yes sir, he is a Cherokee Freedman.

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

*M. D. Green*

Subscribed and sworn to before me this October 3rd, 1901.

*A. R. [Signature]*

Commissioner F.



DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 Muskogee, I. T., February 7, 1907.

In the matter of the application for the enrollment of  
 Fatima Keys as a citizen by intermarriage of the Cherokee  
 Nation.

Appearances: For the Nation, W. W. Hastings.

Fatima Keys being first duly sworn by Frances R. Lane,  
 a Notary Public for the Western District of Indian Territory,  
 testified as follows:

By the Commissioner:

- Q What is your name? A Fatima Keys.  
 Q What is your age? A I can't tell you exactly; I am well  
 along in age.  
 Q What is your postoffice address? A Melvin, I. T.  
 Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.  
 Q You have no Cherokee blood? A No, not a bit.  
 Q Your only claim to the right to enrollment as a citizen by intermarriage of the Cherokee nation is by virtue of your marriage to a citizen by blood of the Cherokee nation? A Yes sir.  
 Q What was the name of your Cherokee citizen husband?  
 A My first husband?  
 Q Yes. A Eli Poorboy; he was an Injun; he is dead.  
 Q When did you marry him? A I married him in the fall of 1863 here at Fort Gibson.  
 Q Was he a recognized citizen by blood of the Cherokee nation when you married him? A Yes sir.  
 Q Living in the Cherokee country? A Yes, never did go out.  
 Q You say he is dead? A Yes, he is dead.  
 Q When did he die? A Directly after the war.  
 Q From the time of your marriage to him did you and he live together as husband and wife until his death? A Yes, that we did.  
 Q Since his death have you married again? A Yes sir.  
 Q What is the name of your present husband? A Jonas Keys.  
 Q Is he a citizen of the Cherokee nation? A Yes, he is.  
 Q Is he a Cherokee or freedman? A He is freedman.  
 Q Was he a slave before the war? A I guess he was.  
 Q And is on the final roll of this office as a Cherokee freedman is he? A Yes.  
 Q He claims not possess no Cherokee blood? A Not as I know of.  
 Q When did you marry him? A It has been about—when my son—  
 see him standing there—I don't know how old he is but he  
 know—ever since he was going four years old.  
 Q Then you married Jonas Keys since the war? A Yes sir.  
 Q Since then have you and he lived together continuously as husband and wife? A Yes sir.  
 Q And resided continuously in the Cherokee nation? A Yes,

that is so.

The applicant Fatima Keys is identified on the Cherokee authenticated tribal roll of, 1880, No. 1603, Tahlequah District, as Fatima Poorboy.

Witness excused.

-----

Price Cochran being first duly sworn by Frances R. Lane, a Notary Public, testified as follows:

By the Commissioner:

- Q What is your name? A Price Cochran.  
Q Your age? A Sixty-five.  
Q Your postoffice address? A Hurlburt, I. T.  
Q Are you acquainted with Fatima Keys, formerly Fatima Poorboy?  
A Yes sir.  
Q How long have you known her? A I have known her since 1862.  
Q You knew her before her marriage to her husband, Poorboy, did you? A Yes, Eli Poorboy.  
Q Were you acquainted with her first husband, Eli Poorboy?  
A Yes sir.  
Q Was he a Cherokee by blood? A Yes sir. He was mixed and Cherokee, anyhow. He was white and Cherokee.  
Q But he was possessed of Cherokee blood? A Yes sir.  
Q Recognized, was he, as a citizen by blood of the Cherokee nation? A Yes sir.  
Q At the time he was married? A Yes sir.  
Q Do you know when they were married? A Yes sir.  
Q When? A In 1863 at Fort Gibson.  
Q Eli Poorboy was living in the Cherokee country at the time of their marriage was he? A Yes sir.  
Q Do you know when Eli Poorboy died? A Yes sir. It was about 1876-7; I can't tell which, but '76-7  
Q Did he and Fatima Poorboy, now Fatima Keys, reside together continuously as husband and wife until his death? A Yes sir.  
Q Since his death has Fatima Poorboy married? A Yes sir.  
Q What is the name of her present husband? A Jonas Keys.  
Q Is he a freedman citizen of the Cherokee nation? A Yes sir.  
Q Always been recognized as a freedman citizen has he? A Yes.  
Q He has no Cherokee blood has he? A No, I guess not.  
Q They are living together as husband and wife now are they?  
A Yes sir.  
Q And have continuously lived together as husband and wife since their marriage? A Yes sir.

Witness excused.

-----

Taylor Morgan being first duly sworn by Frances R. Lane, a Notary Public, testified as follows:

By the Commissioner:

- Q What is your name? A Taylor Morgan.  
Q Your age? A About 67.  
Q And your postoffice address? A Hureka, I. T.  
Q Are you a citizen by blood of the Cherokee nation? A I suppose so. My mother was a full blood Cherokee.  
Q You are acquainted are you with a person in the Cherokee nation by the name of Fatima Keys, formerly Poorboy? A Yes sir.  
Q Were you acquainted with her first husband, Eli Poorboy?  
A Yes, I was.  
Q Was he a Cherokee by blood? A Yes, he was.

- Q When was he married to Fatima Keys, formerly Poorboy?  
A It has been sometime ago; along in 1863 I think.  
Q Were you present at the marriage? A No, I was not there.  
I was acquainted with parties that was there.  
Q It is your understanding that they were married in 1863?  
A Yes sir.  
Q And he was a citizen by blood of the Cherokee nation--that is, at the time of the marriage, was he? A Yes, he was.  
Q When did he die? A I don't remember when he died exactly. Its been quite a little while ago.  
Q Did they live together as husband and wife until he died?  
A Yes sir.  
Q And continuously lived in the Cherokee nation? A Yes sir.  
Q And has she married since his death? A Yes sir.  
Q What is the name of her second husband? A Keys I think.  
Q Is he a citizen by blood of the Cherokee nation? Or freedman?  
A He is a freedman.  
Q Do you know when he married Fatima Keys? A No, not exactly.  
Q A good many years ago? A Sometime ago, yes.  
Q Have they lived together as husband and wife since their marriage? A Yes, I have never heard of any seapration.  
Q And lived continuously in the Cherokee nation? A Yes, right close by where they live now.
- 

Examination by Mr. Hastings:

- Q Was this woman ever married before she married Poorboy?  
A Yes, she was married to a man by the name of Crittenden.  
Q How long before she married Poorboy?  
A Some two years I think; maybe longer.  
Q What became of Crittenden? A I don't know; he just went off and left her.  
Q Went to the army? A I think so.  
Q Had she ever been married but the one time? A That is the only time I know of.  
Q Was Poorboy ever married before she married him? A I never knowed of his having any wife.  
Q How long had you known him before the war? A I knowed him a long time. Cousin of my father, and we have been together ever since boyhood.  
Q You know, then, that he was never married before he married this woman? A Yes, I know he has not.  
Witness excused.
- 

Fatima Poorboy (now Fatima Keys) Recalled:

By the Commissioner:

- Q Were you ever married prior to your marriage to your husband Eli Poorboy? A No, not at all.--no, no,- no sir.  
Q Was Eli Poorboy your first husband? A My first husband, yes.  
Q Were you his first wife? A Incan't tell you about that.  
Q Did you ever hear that he was married before he married you?  
A No, I never heard of it at all.  
Q You state positively, do you, that you were never married before you married Poorboy? A No sir--if the Old Master would come down from above, he would answer to my words.

By Mr. Hastings:

- Q Were you ever married to a man by the name of Crittenden?

A No sir.

Q Did you ever live with a man named Crittenden, as husband and wife? A No sir.

Q Did you ever keep house with a man by the name of Crittenden?

A No sir.

Q You had no relations at all of that kind with a man by the name of Crittenden? A No sir.

Witness excused.

Taylor Morgan being recalled, testified as follows.

By Mr. Hastings: (In the applicant's presence)

Q You testified just now in effect that this applicant, Fatima Keys, before her marriage to Poorboy, had a husband by the name of Crittenden, who went off and left her, and you didn't know what became of him, didn't you? A Yes sir.

Q What do you mean to state with reference to that now? Wasn't you asked whether or not this woman had a husband before she married Poorboy? A When you asked me had she ever been married.

Q What did you say to that? What is your reply to that now?

A I said she had. That she was living with a man by the name of Crittenden.

Q That is what I ask you now? You say that she was married to a man by the name of Crittenden before she married Poorboy?

A That is what I said, yes.

Q How long was she married to Crittenden before she married Poorboy? A Well, I don't know just about how long; it was right about the commencement of the war; little before.

Q Where did they live? Crittenden and this applicant? A They was right there in our neighborhood, just above where she lives in that district.

Q About how far from where you live? A About a mile.

Q And how long did they live there? A Didn't live there long. He didn't stay with her no time.

Q I am trying to get your best judgment about that. Do you think it was a year or two years or less or more?

A No, I don't think he lived with her two years.

Q Do you think six months? A Somewhere along there.

Q That is your best judgment? A Yes sir.

Q Do you know who married them? A No, I don't.

Q But they were understood to be husband and wife at the time?

A Yes, at the time? A Yes, at the time they lived there close to where I lived, about a mile.

Witness excused.

-----  
Fatima Keys Recalled, testified as follows.

By Mr. Hastings:

Q You have heard the statement of your witness Taylor Morgan, to the effect that prior to the war you were married to a man by the name of Crittenden, and that you and he lived together as husband and wife near his place, or just above him about a mile. What explanation have you to make with reference to his statement? A I disremember. Its been so long. It is a long while.

Q Since his testimony, has it refreshed your memory now,

- since he called your attention to it? A Yes.
- Q Then you were mistaken awhile ago, were you, when you denied having been married to a man by the name of Crittenden? Were you? A (No answer).
- Q Do you remember now, since he testified in your hearing that you were once married to a man by the name of Crittenden, as he stated? A Yes sir.
- Q What became of him? A He died.
- Q When did he die? A Oh, law, man, I can't tell.
- Q You didn't live with him until he died? A No, he got killed.
- Q Do you know whether he got killed during or after the war, or when? A It was before the war.
- Q I would like for you to be positive. A It was hereby Fort Smith.
- Q Do you know how long it was before the war that you and he lived together as husband and wife? A I can't tell you.
- Q When did he leave you? A I can't tell you the date of the month or nothing about it.
- Q About what year? A I can't tell you that.
- Q About how many years before the war was it? A I think about 3 or 4 years before the war.
- Q What was that man Crittenden's first name? Given name? A William Crittenden.

By the Commissioner.

- Q Was he a citizen by blood of the Cherokee nation? A Yes, he was.
- Q You say he was killed down near Fort Smith? A Yes, somewhere this side.
- Q How do you know he was killed? A I just heard it.
- Q Did you see him after he was dead? A No sir.

Witness excused.

Thomas Poorboy, being first duly sworn, testified as follows: Sworn by Frances R. Lane, a Notary Public.

By the Commissioner:

- Q What is your name? A Thomas Poorboy.
- Q Your age? A I don't know exactly. About 30 I reckon. 29 or 30; I don't know exactly my age.
- Q What is your postoffice address? A Hurlburt, I. T.
- Q What is your father's name? A Eli Poorboy.
- Q What is your mother's name? A Fatima Poorboy.
- Q She is now Fatima Keys? A Yes sir.
- Q You are a Cherokee by blood? A Yes sir.
- Q And on the final roll as such? A Yes sir.
- Q And you derive your Cherokee blood and right to enrollment through your father, Eli Poorboy? A Yes sir.
- Q Do you remember when your father died? A No, I don't.
- Q Do you remember when your mother was married to her present husband Jonas Keys? A No, I don't remember how long its been.
- Q Jonas Keys is a freedman citizen of the Cherokee nation, is he? A Yes sir.
- Q Since your mother's marriage to him have they continuously lived together as husband and wife? A Yes sir.

Q And lived in the Cherokee Nation? A Yes sir.

-----

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

*Frances Lane*

Subscribed and sworn to before me this February 8, 1907.

*Walter Cheppel*

Notary Public.

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

In the matter of the application for the enrollment of  
 Fatima Keys as a citizen by intermarriage of the Cherokee Nation,

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, April 19, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Fatima Keys as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 10 and 25, 1901, and at Muskogee, Indian Territory, February 7, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Fatima Keys, who is identified on the Cherokee authenticated tribal roll of 1880, Page 790, No. 1603, as Fatima Poorboy, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage, in the year 1853, to one Eli Poorboy, since deceased, alleged to have been a citizen by blood of the Cherokee Nation.

The evidence further shows that subsequent to the death of said Eli Poorboy said applicant, in about the year 1855, married her present husband, Jonas Keys, a regularly enrolled Cherokee freedman.

The evidence further shows that said Fatima Keys was married prior to her marriage to the said Eli Poorboy, and it is not affirmatively shown whether or not her former husband was living at the time of her marriage to said Eli Poorboy, but it is considered, admitting that the former husband of said applicant was dead at the time of her marriage to the said Eli Poorboy, that she, by reason of her marriage to the said Jonas Keys in about the year 1855, who is a citizen of the Cherokee Nation not of Cherokee blood, forfeited, under the provisions of Section 666, of the compiled laws of the Cherokee Nation, whatever right she may have acquired to citizenship in the Cherokee Nation by reason of her marriage to the said Eli Poorboy.

Section 665, of the compiled laws of the Cherokee Nation, provides:

"Should any man or woman a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

IT IS THEREFORE ORDERED AND ADJUDGED that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Fatima Keys, is not entitled, under the provisions of Section 51 of the Act of Congress approved June 20, 1906 (34 Stat., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory,  
this FEB 23 1907, 1907.



# **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. Fatina, Keys,

Melvin, I.T.

Cherokee F-D-120

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

COMMISSIONERS:  
TAMM BENTY,  
THOMAS B. WHEELER,  
C. R. BRACKENRIDGE,  
Wm. O. SMALL,  
Secretary.

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

INDEX TO COPY TO THE COMMISSIONERS

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, May 1, 1905.

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

Gentlemen:

I return herewith the intermarriage Cherokee case of  
Batima Keys, freedman B-120. I see that she is written in, but I  
am not sufficiently familiar with the precedent at this time to be  
satisfied that we are correct.

She appears to be on the roll of 1860, but I respectfully  
request that careful inquiry be made into the law relating to appli-  
cants who are on the 1860 roll upon the one hand, and that concern-  
ing intermarried freedmen upon the other; also I suggest that per-  
haps we ought not to take action on any intermarried case pending  
the decision of the Court.

Please advise me further in regard to the views of the  
Central Office in this matter.

Respectfully,



Commissioner in Charge  
Cherokee Land Office.

MBJ

Enc. J-14

Sherokee Y  
D 120

Muskogee, Indian Territory, February 23, 1907.

Fatima Keys,  
Melvin, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the five Civilized Tribes, dated February 23, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case has this day been transmitted to the secretary of the Interior for his review and decision. You will be advised of the secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-7.  
HJC

Register

Commissioner.

Cherokee F.  
D 120.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Fatima Keys as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the secretary of the Interior for his review and decision. You will be advised of the secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-6.  
HJC

Commissioner.

Muskogee, Indian Territory, February 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Natima Keys as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 22, 1907, denying said application.

Respectfully,

Encl. HJ-10  
EJC

Commissioner.

Through the Commissioner  
of Indian Affairs.

(COPY)

Land  
19591-1907. DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 1, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 23, 1907, relative to the application for the enrollment of Fatima Keys as a citizen by intermarriage of the Cherokee Nation, together with the decision of the commissioner, of February 23, 1907, denying the application.

The Office has examined the record in this case and finds the conclusions of the commissioner to be correct.

His decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV:LE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.L. R. S.

## I. T. D.

7042, 7044, 7046, 7052, 7060,  
 7074, 7078, 7080, 7082, 7086,  
 7092, 7094, 7096, 7108, 7120,  
 7146, 7150, 7158, 7164, 7166,  
 7168, 7170, 7172, 7186, 7202,  
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 7540, 7542, 7544, 7562, 7598,  
 7606, 7612, 7616, 7622, 7630,  
 7754, all 1907.

March 4, 1907.

DIRECT.

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

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.	Date of your letter of transmittal.
John Wesley Freeman (freedman),	February 18, 1907.
Harry N. Curry, et al.,	February 23, 1907.
Stephen Baldrige (freedman),	February 18, 1907.
Thomas Ball (freedman),	February 18, 1907.
Martha J. Burgess (intermarriage),	February 22, 1907.

Moses Carter (freedman),	February 1, 1907.
Marshall L. Hyde (by blood),	February 21, 1907.
John V. Goss (intermarriage),	February 21, 1907.
William S. Hutchins (intermarriage),	February 25, 1907.
Mattie Mackey (freedman),	February 23, 1907.
William C. Smith (by blood),	February 21, 1907.
Roy Drum (by blood),	February 27, 1907.
Loneta Johnson, et al. (by blood),	February 23, 1907.
Cynthia A. Fields (intermarriage),	February 23, 1907.
Nathaniel Wickliff (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage),	February 23, 1907.
Mollie C. Collins (intermarriage),	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Fatma Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 20, 1907.
Annie C. Butler (intermarriage),	February 23, 1907.
James R. Rivin (intermarriage),	February 14, 1907.
Laura Ross (freedman),	February 23, 1907.
Willie Joanna Lowe, et al. (freedman),	February 23, 1907.
William T. Teague (by blood),	February 20, 1907.
Theodore Jones (freedman),	February 25, 1907.
Viola E. Finwick (freedman),	February 25, 1907.
Wiley Polston, et al., (freedman),	February 23, 1907.
Fansy Grinnett (freedman),	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	January 17, 1907.
Loran Alfred Lovett (by blood),	February 18, 1907.
Haudie Skaggs (by blood),	February 15, 1907.
Robert Walker (freedman),	February 14, 1907.
Edward B. Prayser (intermarriage),	February 16, 1907.
Daniel Sitaler, et al., (by blood),	February 14, 1907.
Olla May Mitchell (by blood),	February 16, 1907.
Felix P. Witt (intermarriage),	February 19, 1907.
Preston G. Browning (intermarriage),	February 23, 1907.
Harrison Cecil Smith, et al., (by blood),	February 16, 1907.
Lilly Irene True, et al., (by blood),	February 25, 1907.
Alberta Sanders, et al., (freedman),	February 23, 1907.
Samuel Sanders (freedman),	February 21, 1907.
Peggie Bearpan (by blood),	February 25, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. Lillian Pruett, et al. (by blood),	February 25, 1907.
Charles W. Trent (intermarriage),	February 25, 1907.
John Greece (by blood),	February 25, 1907.
Bessie Landrum, et al. (freedman),	February 25, 1907.
David Monroe Koxee (freedman),	February 25, 1907.
Bess S. Whitaker (intermarriage),	February 25, 1907.



Reeseburn Wright (freedman),	February 14, 1907.
Lenard King, et al. (by blood),	February 14, 1907.
Robertta Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood),	February 22, 1907.
Sarah A. Trout (intermarriage),	February 25, 1907.
J. D. Amsey, et al. (by blood),	February 25, 1907.
Carnlyer Vestel (freedman),	February 25, 1907.
Lizzie H. Langley (intermarriage),	February 25, 1907.
Charles Goldie Hall, et al. (by blood),	February 20, 1907.
Myrtle Adams (freedman),	February 25, 1907.
Annie Sorechowl (as citizens), et al.	February 25, 1907.
Baby Miller (by blood),	February 25, 1907.
Clarence Jones, et al., (freedman),	February 23, 1907.
John H. Ellis (intermarriage),	February 20, 1907.
Leroy Shields (freedman),	February 16, 1907.
Edmond Durant, et al. (freedman),	February 23, 1907.
Jane Crittenden (intermarriage),	February 20, 1907.
Jesse Ball (freedman),	February 23, 1907.
Elizabeth C. Leach (intermarriage),	February 23, 1907.
Elsie Habel Barritt (by blood),	February 1, 1907.
Eliza Relston (intermarriage),	February 7, 1907.
Tom Mayes Vann (freedman),	February 16, 1907.
Willie Lee Hanks, et al. (freedman),	February 16, 1907.
Julia J. Wilkerson (by blood),	February 21, 1907.
Blanch Bane, et al. (by blood),	February 23, 1907.
Martha W. Morgan (intermarriage),	February 21, 1907.
Edker Williams (by blood),	February 21, 1907.
Doc Herren England (by blood),	February 21, 1907.
Mildred Teague (by blood),	February 18, 1907.
Odell Foster (freedman),	February 23, 1907.
Willie Colbert (freedman),	February 21, 1907.
Arthur D. Jackson (by blood),	February 21, 1907.
Eliza J. Barton (intermarriage),	February 25, 1907.
Otto Allen (freedman),	February 18, 1907.
Viola Martin (freedman),	February 16, 1907.
Archie Taylor (freedman),	February 18, 1907.
Joseph H. Thompson (intermarriage),	February 23, 1907.

A copy hereof and all the papers in the above mentioned cases  
have been sent to the Indian Office.

Respectfully,

91 enclosures, and  
122 enclosures to Ind. Of.,  
with copy hereof.

(Signed) E. A. Hitchcock,  
Secretary.

WCF 3/4/07

*C73*

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.

D-120.

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

Muskogee, Indian Territory, March 30, 1907.

Fatima Vann,

Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

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

Respectfully,

*John H. ...*  
Acting Commissioner.

Encl. N-25  
JHM

Cherokee F.N.B.  
338

Waskagee, Indian Territory, March 20, 1907

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

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

Respectfully,

Incl. P-4-60,  
MMP

Acting Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

24772

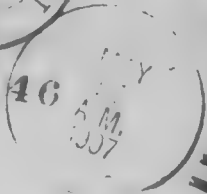
Ms 10

Nation Keys,

Delvin, Indian Territory.



7146



Department of the Interior.

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



Father Vann,  
Muskogee, Indian Territory.

Department of the Interior.

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



Cher Fr R 838

Trans. from Cher Fr D 129

Cher Fr R 838

Cher Fr. G-839.

21.10.1871. M. Kham.

In accord ce

Cher Fr. G-839

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21.10.1871. M. Kham.

Chem. Fr. N. 857

Trans. from C. Fr. D. 134

Chem. Fr. R. 839



*John H. ... of ...*

COMMISSION TO TAKE DEPOSITIONS.

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

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 Granville Crimshaw, John Rudisell, John Henry, and John Weaver as witnesses in a certain application now pending before the Commission to the Five Civilized Tribes for the enrollment as Freedmen of the Cherokee Nation of George W. Vann et al.

THEREFORE, we desire that you cause the said witnesses to come before you; and, first duly swearing them to testify the whole truth in the premises, that you cause them to be examined by 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 witnesses in your presence, setting forth first, the direct questions and answers thereto, and then following with the cross-examination and the answers thereto; and the whole when completed to be read over to the witnesses and by them subscribed; and when you shall have completed the taking of said depositions, then that you send the same without delay, duly certified, with the commission, caption, exhibits, and certificate attached, closed under your seal, with an indorsement 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 Muskogee, Indian Territory.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian Territory,  
this 11th day of April, 1902. By \_\_\_\_\_ (Signed) T. B. Newton,  
Commissioner.

CAPTION OF DEPOSITIONS.

The depositions of Granville Crimshaw, John Rudisell, John Henry, and John Weaver, taken on the 12 day of May, 1902, between the hours of 8 o'clock A. M. and 6 o'clock P. M., at the office of Harry Wesson, a Notary Public for the County of Sebastian, in the city of Fort Smith, in the state of Arkansas, to be read in evidence in the matter of the application of George W. Vann et al, for enrollment as Freedmen of the Cherokee Nation, pending before the Commission to the Five Civilized Tribes and the Department of the Interior.

NOTICE TO TAKE DEPOSITIONS.

Geo. W. Vann et al, Plaintiffs.) Before the  
Against ) Commission to the Five Civilized  
Cherokee Nation, Defendants.) Tribes, sitting at Muskogee, I. T.

To Messrs. Bell, Hastings and Davenport, Att'ys for the Cherokee Nation of Indians.

You are hereby notified that depositions of witnesses to be read in evidence in the above entitled Cause on the part of the Plaintiff will be taken at Fort Smith, in the County of Sebastian, and State of Arkansas, on the 12th day of May, 1902, between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon; and that the taking of the said depositions if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

(Signed) Geo. W. Vann et al.

A. S. McRea, Atty. for plaintiffs.

United States of America,  
Indian Territory,  
Northern District.

Personally appeared before the undersigned, a Notary Public in and for the Northern District, Indian Territory, G. W. Vann, having been sworn according to law deposes and states that he made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee Freedmen at Fort Gibson, I. T. April, 13th, 1901. That he desires the testimony of witnesses to be taken by depositions as the same is material in his behalf, tending to prove the status of his citizenship as a Cherokee Freedmen according to Art 9 of the treaty stipulations of 1866. That the said witnesses are aged and infirm, and can not appear before the Commission in person to testify in his behalf; that the said applicants are non-residents of the Indian Territory. That the names and post office addresses of the said applicants are as follows:

- John Weaver, Fort Smith, Ark.
- John Rudisell, " " "
- John Henry, " " "
- Granville Crimpshaw, " " "

(Signed) Geo. W. Vann.

Sworn to and subscribed before me this the 26th day of March, 1902.

(Signed) U. L. Jackson

Notary Public.

A.S.McRea, Atty. for Applicants.

OBJECTIONS OF COUNSEL FOR CHEROKEE NATION.

Comes the representative of the Cherokee Nation and appears specially and objects to the taking of any testimony upon the commission issued by the Daves Commission in this case, for the reason that in the commission and the notice served upon the representatives of the Cherokee Nation there was no place fixed in the city of Fort Smith, Arkansas, as to where the depositions would be taken. The representative of the Cherokee Nation appeared specially for this objection only, there being no place named in the notice served upon them as to what place they would be taken, excepting designating in the city of Fort Smith, Arkansas, without fixing any place whatever.

2. Because there is no law authorizing the Daves Commission to issue a commission to any officer to take the deposition of any witness in this case; and because of the further fact that the Daves Commission is now in open session sitting at four different places in the Cherokee Nation and at one in the Creek Nation, at Muskogee, for the purpose of hearing testimony, and that pending their sessions there is no law authorizing depositions to be used before that body.

3. There is no law in force in the United States authorizing the Daves Commission to go beyond the geographical limits of the five civilized tribes to take testimony in any case, save and except in the cases what is known as the Mississippi Choctaw.

4. Because the interrogatories are not certified to by the Daves Commission as having been the interrogatories that were filed before them to be answered upon the hearing fixed on the 12th day of May, 1902.

OBJECTIONS OF COUNSEL FOR APPLICANT.

Comes now the attorney for the applicants and moves that the within motion made by the representative of the Cherokee Nation be stricken from the face of the record, for the reason that the same is irregular and informal.

The deposition of John Rudisell taken on the 12th day of May, 1902, betw on the hours of 8 o'clock A. M. and 6 o'clock P. M. at the office in the city of Fort Smith, in the County of Sebastian, and state of Arkansas to be read as evidence in an action between Geo. W. Vann et al, Plaintiffs, and the Cherokee Nation of Indians, Defendants now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

- Int. 1. (a) State your name? Ans. John Reutzel.
- (b) Age? Ans. 51 years old.
- (c) Post Office Address? Ans. Fort Smith, A. K.
- Int. 2. (a) What is your occupation? Ans. Deputy Sheriff, Sebastian Co. Ark.
- (b) Are you acquainted with the plaintiff, or applicant, Geo. W. Vann? Ans. I am.

(c) How long have you known him?

Ans. I have known him nearly all my life, 35 or 40 years, about the close of the war and since.

Int. 3. (a) Where did you first learn to know him?

Ans. I first learned to know him when I commenced to work in my father's store, where he traded, which was in 1864 or '65.

(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the rebellion between the North and the South?

Ans. My understanding was he was a slave of Jim Vann.

(c) To whom did he belong?

Ans. Jim Vann.

Int. 4. (a) Was he a Cherokee Indian by blood?

Ans. Yes; that was always my understanding.

(b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866 - '67?

Ans. During the years 1866 - '67 we lived close to Fort Smith in the Cherokee Nation.

(c) Do you know if he was in the Cherokee Nation, I. T. in the summer of 1866 or the early part of 1867?

Ans. I am not positive, but I am almost sure he was in the Cherokee Nation during that time.

Int. 5. (a) Have you seen and met with the applicant, Geo. W. Vann, after since you first learned to know him?

Ans. Yes, sir; very frequently.

(b) What was the longest period at any one time you ever missed seeing him?

Ans. I don't recall now any time that I missed seeing him for any length of time.

(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Ans. I was living in Fort Smith and was working in my father's grocery store.

Int. 6. (a) How long have you lived in the state of Arkansas?

Ans. I was born and raised in the state of Arkansas.

(b) How long in the city of Fort Smith?

Ans. All my life.

(c) Do you know where the applicant, Geo. W. Vann, now resides?

Ans. Yes, sir.

Int. 7. (a) Where?

Ans. Sequoyah District, Cherokee Nation, I. T.

(b) How long has he lived there to your knowledge or information?

Ans. For many years.

(c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war, and was owned by one Jim Vann, a Cherokee Indian.

Ans. Yes, sir; that has always been my ...

understanding.

Int. 8. (a) Is his statement true that he worked for a Doctor Bell in 1866 and for one Bill Campbell in 1867?

Ans. I could not answer as to that.

(b) Do you know whether or not the applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?

Ans. I don't know.

(c) State all you know about the applicant?

Ans. I have stated about all I know. I have known him for a long time, and he has always been considered all right in every way, honest & upright.

(Signed) John Reutzel.

(Endorsed on back as follows):  
DEPOSITION OF JOHN RUDISELL  
ORIGINAL.

Geo. W. Vann et al

vs  
Cherokee Nation.

United States of America,  
Northern District,  
Indian Territory.

I received the within interrogatories and copy thereto affixed to, other with ~~two~~ copies thereof on the 8th day of April, 1908, & on this 8th day of April, 08 at 10-35 o'clock A. M. I served the interrogatories & notice thereof by delivering to Att'ys for Cherokee Nation Indians, Messrs. Bell, Hastings & Davenport in person a true & correct copy of said interrogatories, which were propounded by Geo. W. Vann et al together with a copy of notice accompanying them.

(Signed) Wm. Herring,  
City Marshall.

**OBJECTION OF ATTORNEY FOR APPLICANTS.**

Comes now attorney for applicants and objects to the course of procedure on the part of the representative of the Cherokee Nation for cross-examination, for the reason that representatives of the Cherokee Nation had due notice that this testimony would be taken by interrogatories, they having failed to file cross-interrogatories in this matter, and are now too late.

OBJECTION OF COUNSEL FOR CHEROKEE NATION.

Representatives of the Cherokee Nation appear specially and object to the taking of the depositions upon the interrogatories submitted, because there is no showing whatever that they have ever been filed in the office of the Daves Commission or the Commission to the Five Civilized Tribes of Indians, as required by the Arkansas law in force in the Indian Territory, and there is no authority shown whatever that the Commission has ever had in their possession the interrogatories sought to be answered; and for the further fact that if the interrogatories have been filed properly the applicant and his attorneys have no right whatever to be present when the same are answered, unless both parties are allowed at the taking.

Thereupon Mr. Davenport, of counsel for Cherokee Nation asked the witness John Reutzel the following question.

Question: When your interrogatories were being answered, was either the applicant, the man who goes by the name of George W. Vann, or his attorneys, Mr. Edmondson or Mr. McRae present?  
WITNESS JOHN REUTZEL: Mr. Vann was not here. He (pointing to Mr. McRae) was here.

CROSS-EXAMINATION.

- Q How long have you lived in the city of Fort Smith?  
A 51 years.  
Q In what part of the city of Fort Smith were you living at the close of the war?  
A On Fifth St., with my father.  
Q Have you ever known the applicant in this case by any other name than Geo. W. Vann?  
A Sometimes they call him Johnson. In my boy days I sometimes didn't know whether his name was Johnson or Vann. I never knew him by any other name than Vann or Johnson.  
Q Where was he applicant living when you first got acquainted with him?  
A He was living in the Territory.  
Q How far from Fort Smith?  
A Only a few miles.  
Q What year, as near as you can remember, did you get acquainted with Geo. Vann?  
A At the close of the Civil War, in the year 1866, somewhere about that.  
Q What, if anything, impressed it upon you that it was the year 1866?  
A Because it was just at the close of the war.  
Q On whose place was he living when you first got acquainted with him?  
A I couldn't say.  
Q Then, if at all, did you first learn the name of the farm on which he was living in the Cherokee Nation?  
A I only heard of him living on the Johnson farm within the last few years. He may have been living on the farm all along; I don't know.

Q Do you know of your own knowledge whether the applicant, Geo. Vann, was a slave in the Cherokee Nation belonging to a Cherokee citizen at the breaking out of the Civil War?

A I don't know.

Q Were you old enough at the breaking out of the war to know any of the Cherokee citizens who lived in Sequoyah District, Cherokee Nation?

A Ho, sir.

Q How long after the close of the war before you became acquainted with some of the Cherokee citizens who lived in Sequoyah District?

(Objected to by Atty for applicant for the reason that the same is incompetent and irrelevant.)

A Some time about the close of the war or a little later.

Q How long did you continue working in your father's store, and how Vann coming and going?

A Ten years from the close of the war.

Q Can you say positively that Geo. W. Vann was living in the Cherokee Nation from the close of the war up to 1872?

A As far as I know he was. I think from that time until 1872 he was living there. After 1874 I quit the store.

Q Do you not know that Geo. W. Vann, the applicant in this case, was living in Roache's Cove near Stevenson, Alabama in 1866-67, and up until 1868, and while living there he married a sister of Ed Roach, who now lives at Argenta, Arkansas?

(Objected to for the reason that the question is leading and for the further reason that it does not conform to the interrogatories propounded in the examination in chief.)

A No, sir; in fact I don't know who he is married to now, if he is married.

Q Could he have lived in Alabama in the year mentioned in the last question and you not have missed him?

A There could be such a thing, and that I would not have missed him.

Q Do you know of your own knowledge of his living outside of the Cherokee Nation since you got acquainted with him?

A No, sir.

Q In fact you haven't known much of Vann until recent years have you?

(Objected to for the reason that witness has already stated in his examination in chief and upon his cross-examination thereupon when he first became acquainted with the applicant.)

A Well, I have too. I will state this: After I left the grocery business, and was engaged in other business ten years, from about 1874 to 1884, his face was familiar around here, I would see him from back and forth, speak to him when I would see him. Then there was a lapse of two years that I was absent from the city, after 1884.

Q Are you acquainted with Gabe Payne?

A Yes, sir.

Q How long have you known him?

A I have known him ever since we were both children.

Q Do you know whether or not he is a citizen of the Cherokee Nation and lives in Sequoyah District, Cherokee Nation?

A He lives in the Cherokee Nation across the river from Fort Smith, and I have always understood that he was a Cherokee Indian.

Q How far from Gabe Payne's place in the Cherokee Nation is the place where you first learned Geo. W. Vann lived on?

A I don't know.

Q Gabe Payne would likely know how long the applicant has been residing in the Sequoyah District, would he not?

(Objected to for the reason that same is irregular & incompetent, it being a mere matter of opinion.)

A I would think he would.

Q Did you ever miss the applicant at all from the time you got acquainted with him for a year at a time?

A I don't think I ever missed him that long. If he was absent, I don't know it.

Q Then you never knew him when he lived in Argenta, Arkansas?

A I never knew he lived in Argenta.

Q Then you have no knowledge whatever of his having been appointed constable of Eastman Township, Pulaaki County, Ark., in 1871?

A No, sir.

Q What other colored man did you get acquainted with who lived in the Cherokee Nation just after the close of the war?

A I don't know of anyone that I could call by name now.

Q What Cherokee did you get acquainted with just after the close of the war that lived in the Sequoyah District, Cherokee Nation?

A I don't know what I could name any of them. I am a poor hand anyway to remember names unless I see the person right before me.

(Here the taking of deposition was continued until tomorrow morning, May 13-08, at 8-30 o'clock, it now being 6 o'clock P. M.)

(Signed) H. A. Woestman,  
Notary Public.

Tuesday, May, 12, 1908, 9 o'clock A. M.

Cross-examination continued.

John Reutzel, being recalled, testified as follows:

Q Have you any recollection of the names of any parties whom you know lived in Sequoyah District, Cherokee Nation when you first got acquainted with the applicant, Geo. W. Vann?

A The Campbell family and the Johnson family that lived over there, and I remember a family by the name of Vickery.

Q Did you ever know a man by the name of Joe Bowers who lived in the Sequoyah District, Cherokee Nation?

A Yes, sir.

Q Did you get acquainted with Bowers before you did Vann or after?

A After. It was a long time, I would see Bowers come over here before I knew him by name.

Q About how long after the war was it that you got acquainted with Bowers?

A I think I got acquainted with Bowers along about 1866, 1867, or 1868.

Q Did you ever know Jim Vann?

A No, sir.

Q Did you ever know Ben Johnson, a Cherokee?

A I don't know that I could say that I remember him.

Q Did you ever know a Mrs. Bard?

A No, sir; the name sounds familiar, but I can't remember.

Q Did you know Mrs. A. D. Bright?

A Yes, sir.

Q Do you know where Geo. W. Vann, the applicant, was living in the summer of 1877?

A I don't know. I saw him here in Post Smith back and forth, but I don't know just where he was living in that particular year.



Q. Do you know whether or not in the year 1877 there was a depot or railroad station near the Arkansas River, Sequoyah District, Cherokee Nation?

A. Yes, sir.

Q. Was Gabe Payne living and farming near where this depot was located in 1877?

A. He was.

Q. Did you ever know the applicant in this case by the name of Geo. W. McGaney?

A. I never did.

Q. Did you ever know Ben Johnson, a colored man, who lived in the Sequoyah District?

A. No, sir.

Q. Did you ever know Joe Bruner, a colored man?

A. Yes, sir.

Q. Did you know anything of the applicant prior to the war?

A. No, sir.

(signed) John Reutzel.

The deposition of Granville Grimshaw taken on the 3 day of May, 1902, between the hours of 8 o'clock A. M. and 6 o'clock P. M. at the office in the city of Fort Smith in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al plaintiffs and the Cherokee Nation of Indians defendants, now pending before the Court in the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

Int. 1. (a) State your name?  
Ans. Granville Grimshaw.  
(b) Age?  
Ans. I am 72 years old.  
(c) Post Office Address?  
Ans. Fort Smith, Ark.

Int. 2. (a) What is your occupation?  
Ans. I am unable on account of old age & being a cripple to work.  
(b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann?  
Ans. Yes, sir.  
(c) How long have you known him?  
Ans. I have known him since about 1866.

Int. 3. (a) Where did you first learn to know him?  
Ans. At Kennedy's mill, corner of 4th St & Harrison Av., Fort Smith, Ark.  
(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the Rebellion between the North and the South?  
Ans. I don't know.  
(c) To whom did he belong?  
Ans. I don't know.

- Int. 4. (a) Was he a Cherokee Indian by blood?  
 Ans. I don't know.  
 (b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866-67?  
 Ans. Yes, sir; I know he lived across the river from Fort Smith in the Cherokee Nation.  
 (c) State if you know if he was living in the Cherokee Nation, I. T., in the years 1866-67 and under what circumstances you base your knowledge of that fact?  
 Ans. I was working at Kennedy's mill at that time, and Geo. W. Vann would come every Saturday to the mill with corn to have it ground into meal. He generally came in a wagon and generally had with him a Cherokee Indian by the name of Hose Johnson and I am positive at that time Geo. W. Vann lived in Cherokee Nation.
- Int. 5. Have you seen and met with the applicant, Geo. W. Vann after since you first learned to know him?  
 Ans. I have lived in Fort Smith since that time and have seen him often.  
 (b) What was the longest period at any one time you ever missed seeing him?  
 Ans. I don't think I ever missed seeing him more than one month at any time, or possibly two months.  
 (c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?  
 Ans. I was living at Fort Smith, Ark., and was engineer at Kennedy's mill.
- Int. 6. (a) How long have you lived in the state of Arkansas?  
 Ans. Since 1866, since May, 1866.  
 (b) How long in the city of Fort Smith?  
 Ans. I came to Fort Smith in 1866 & have lived there ever since.  
 (c) Do you know where the applicant, Geo. W. Vann, now resides?  
 Ans. Yes, sir.
- Int. 7. (a) Where?  
 Ans. In the Cherokee Nation, near Fort Smith.  
 (b) How long has he been living there to your knowledge or information?  
 Ans. Ever since I have known him, since 1866.  
 (c) Is the statement of Geo. W. Vann correct when he states that he was owned by one Jim Vann, a Cherokee Indian, and was a slave in the Cherokee Nation before the war?  
 Ans. I don't know.
- Int. 8. (a) Is the statement true he worked for a Doctor Bell in 1866, and for one Bill Campbell in 1867?  
 Ans. I don't know. I know he was working for someone in the Cherokee Nation in 1866-67.  
 (b) Do you know whether or not the applicant was living on Hose Johnson's place at the beginning of the war near Fort Smith?  
 Ans. No, sir.  
 (c) State all you know further about the applicant?  
 Ans. I don't know anything further.

(Endorsed on back as follows:)  
THE DEPOSITION OF GRANVILLE CRIMPSHAW.

Geo. W. Vann et al  
vs  
Cherokee Nation.

Original.

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

I received the written interrogatories and copy thereto annexed together with true copies thereof on 8th day of April, 02, at 10-35 o'clock A. M. I served said interrogatories and notice thereof by delivering to Attys for Cherokee Nation Indians, Messrs. Bell, Hastings and Davenport in person a true and correct copy of said interrogatories which were propounded by Geo. W. Vann together with a copy of notice accompanying same.

(signed) Wm. Herring,  
City Marshall.

Cross-examination.

- Q How long have you lived in Fort Smith, Ark?  
A Since the 15th of May, 1866.  
Q What state were you raised in?  
A I was raised in Limestone Co., Ala.  
Q How far did you live from Roach's cove in Alabama?  
A I don't recollect. I lived below Huntsville.  
Q Did you ever know the applicant by any other name than Geo. W. Vann?  
A No, sir.  
Q Did you know the applicant while he was living in Alabama?  
A No, sir.  
Q Did you know the applicant while he was living in Argenta, Ark?  
A No, sir.  
Q Has he ever lived with his family outside of the Cherokee Nation since you got acquainted with him?  
A I don't know, sir.  
Q What makes you remember that it was May 16, 1866, when you came to Fort Smith, Ark?  
A Because I know what year I came here, the year after the surrender.  
Q With whom did you come when you came to Arkansas?  
A When I came from Fort Gibson, I. T. here by myself. I came here from Ft. Gibson with a man by the name of Andy Campbell, whom I met at Fort Gibson. I was on my way from Texas.  
Q Who did you come with from Texas to Fort Gibson?  
A I came with a man by the name of Salad from Bonham, Tex., to Ft. Gibson.  
Q Where were you when the war closed?  
A I was in Houston, Tex.  
Q Were you a slave before the war?  
A Yes, sir.  
Q You are not an applicant for citizenship as a Freedman of the Cherokee Nation?  
A No, sir.  
Q How long after you came to Fort Smith until you became acquainted with Geo. W. Vann, the applicant?  
A I don't know exactly how long, but I think it was in the summer time in the year I came here.

Andy Campbell?

Went back to Kansas, so I was informed.

Q Did you travel when you came from Houston to Fort Smith?  
A Yes; and I got here May 15-1866.

Q Did you know whether or not when you came to Fort Smith the  
colored people were returning to get their rights?  
A I gave them a right to a portion of the land and to  
the Cherokee tribe of Indians?

Q I don't know.

Q What colored man who live in the Cherokee Nation?

Q Applicant did you get acquainted with in 1866?

A I knowed old man Jack Campbell who is dead now.

Q Was he a Cherokee or white man who live in the Cherokee Nation?

Q I don't know.

Q I don't recollect it or now.

Q On that place was Geo. W. Vann living in the Cherokee Nation?

Q I don't know.

Q How do you know he was living in the Cherokee Nation at all then?

A I find him it by him coming here over the river to the mill.

Q Where is he now located from where the ferry is on the river?

Q I don't know.

Q Is he at the corner of Fourth Street and Garrison Ave. in Fort  
Smith?

Q The applicant Geo. W. Vann bring corn to the mill to be  
ground in 1866 shortly after you came to Fort Smith in 1866?

Q Yes, sir.

Q Where were you working at?

A Henry Kennedy's.

Q Is the Kennedy family living now?

A Yes; Kennedy's wife is living. Mrs. Kennedy lives on  
Third and B Street in Fort Smith, Ark.

Q Did you ever visit the applicant in the Cherokee Nation?

Q I don't know.

Q Do you know where he lives now?

A I don't know.

Q With what other colored man did you get acquainted with in Fort  
Smith besides the applicant?

(Objected to by Atty for applicant for the reason that  
the question is irrelevant and incompetent and has no  
bearing upon the question at issue, the witness being  
called upon to testify of his knowledge and acquaintance  
of the applicant, Geo. W. Vann.)

Q Joe Robinson he was here when I came here, Arristead Pryor. I  
don't remember any others now. I also knew Wesley Lewis.

Q Have you ever testified in this case before?

A No, sir.

Q When were you first spoken to about being a witness in this case?

A I think about a week ago, or may be two weeks.

Q Didn't you tell him then what you know about the case?

A I didn't give him such answer. I kind of laughed at him.

Q Have you any record that fixes that date for you as to when you  
came to Fort Smith, Ark?

A No, sir.

Q Then without any record, and after a lapse of 23 years, you undertook to give the month and the day of the month that you arrived in Fort Smith, Ark?

A Well, I couldn't do it when I was here, I don't count when I was on the road how long it took me to come here, and that is how I recollect.

Q How long was you on the road?

A I was on the road 15 or 16 days.

Q When did you start?

A I started on the 1st day of May.

Q When you left Seneca did you leave to come to Fort Smith?

A Yes, sir.

Q What year is this uncle?

A I don't recollect.

Q What year was the Brooks-Baxter war?

A I don't know.

Q What year was the Federal court building that is now occupied here built?

(Objected to for the reason that witness is called upon to testify as to his knowledge and acquaintance of Geo. W. Vann, the applicant, and not as to the commencement of the Brooks-Baxter war and the time as to the erection of the Federal court building at Fort Smith, Ark.)

Q I don't remember the year it was built.

Q Who was the Federal court judge holding court here when you came to Fort Smith?

A There was none here. The Federal court was then at Van Buren, his  
Greenville & Greenbush.  
Ark

Witness:-

(Signed) W. E. Woodman.

The deposition of John Henry taken on the \_\_\_\_\_ day of \_\_\_\_\_ 1898, between the hours of 9 o'clock A. M. and 5 o'clock P. M. at the \_\_\_\_\_ of law in the city of Fort Smith, in the County of \_\_\_\_\_ and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al plaintiffs, and the Cherokee Nation of Indians, defendants now pending before the Commission to so vice Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

- Int. 1. (a) State your name?  
(b) Age?  
(c) Post or law address?
- Int. 2. (a) What is your occupation?  
(b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann?  
(c) How long have you known him?
- Int. 3. (a) Where did you first learn to know him?  
(b) Was he a slave in the Cherokee Nation, Indian Territory at the time of the rebellion between the North and the South?  
(c) To what did he belong?

Int. 4. (a) Was he...  
(b) In the case of the...  
(c) In the case of...

Int. 5. (a) How long...  
(b) What was the...  
(c) Where were you...

Int. 6. (a) How long...  
(b) How long in...  
(c) Do you know...

Int. 7. (a) Where?  
(b) How long...  
(c) In the case...

Int. 8. (a) Do you...  
(b) Do you know...  
(c) Where did you...

Joe E. ...  
Member ...  
United States of ...  
Indian Territory,  
Eastern ...

I received the ...  
...

I received your communication of the 11th of June 1941, in relation to the proposed purchase of the land at [redacted] and I am sorry to hear that you are unable to proceed with the purchase at this time. I am sure that you will be able to find another suitable site for the proposed development.

(Signed) [redacted]  
[redacted]

MEMORANDUM

The proposed purchase of the land at [redacted] is being considered by the [redacted] and it is suggested that the purchase should be deferred until the [redacted] has been completed. It is suggested that the purchase should be deferred until the [redacted] has been completed. It is suggested that the purchase should be deferred until the [redacted] has been completed.

- 1. The purchase of the land at [redacted] is being considered by the [redacted] and it is suggested that the purchase should be deferred until the [redacted] has been completed.
- 2. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 3. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 4. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 5. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 6. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 7. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 8. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 9. It is suggested that the purchase should be deferred until the [redacted] has been completed.
- 10. It is suggested that the purchase should be deferred until the [redacted] has been completed.

Int. 6. How long have you lived in the state of Arkansas?

(b) How long in the city of Fort Smith?

(c) Do you know where the applicant, Geo. W. Vann, now resides?

Int. 7. (a) Where?

(b) How long has he lived there to your knowledge or information?

(c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann, a Cherokee Indian?

Int. 8. (a) Is his statement true that he worked for a Doctor Bell in 1866, and for one Bill Campbell in 1867?

(b) Do you know whether or not the applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?

(c) State all you know about the applicant?

(Endorsed on back as follows:  
Deposition of JOHN HARRING,  
Original.

Geo. W. Vann et al  
vs  
Cherokee Nation.

United States of America,  
Indian Territory,  
Northern District.

I received the within interrogatories and copy thereof annexed together with true copies thereof on 8th day of April, 02, at 10-30 o'clock A. M. I served said interrogatories and notice thereof by delivering to Atty for Cherokee Nation Indians, Messrs. Bell, Hastings & Davenport in person a true and correct copy of said interrogatories which were propounded by Geo. W. Vann et al together with a copy of notice accompanying same.

(Signed) Ed. Harring,

City Marshall.



C E R T I F I C A T E.

United States of America, )  
County of Sebastian, ) "S.  
State of Arkansas. )

I, Harry A. Foestman, a Notary Public within and for the County of Sebastian, State of Arkansas, do certify that the foregoing Depositions of Granville Crikshaw, John Radisell, John Henry, and John Weaver, were taken before me and read to them in my presence, at the time and place and in the action mentioned in the caption, the said Granville Crikshaw, John Radisell, John Henry, and John Weaver, having been duly sworn by me that the evidence they should give herein, should be the truth, the whole truth, and nothing but the truth, and their statements were reduced to writing by me in their presence (~~ex-ty-then-in-my-presence~~), the applicant being present at the examination, and counsel for both the applicants and Cherokee Nation 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 the seal of office on this the 13th day of May, A. D., 1902.

(SEAL)

(Signed) H. A. Foestman,

(Here affix seal.)

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 15th day of Aug., 1902.

*B. Jones*  
Notary Public.

File with Cherokee Freedman D-134, Mary J. Youngblood,

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 18th, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, three children and six grandchildren as Cherokee Freedmen, and for the enrollment of his wife, Mary J. Vann, as a Cherokee Freedman by intermarriage: said Vann being sworn and examined by Commissioner G. R. Breckinridge:

Appearances:

Mr. John F. Faulds, Attorney for Applicant;  
Mr. W. W. Hastings, Cherokee Representative.

- Q Give me your full name? A George W. Vann.  
Q How old are you? A Be 77 on the 27th day of December next.  
Q What is your postoffice? A Benges.  
Q In what district do you live? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.  
Q Do you want to enroll anybody besides yourself? A I want me and about ten children.  
Q Have you a wife? A I have.  
Q Do you want to have her enrolled? A If it is law that she can be enrolled.  
Q You want to apply for her and see? A Yes, sir.  
Q And you have ten children? A Yes, sir.  
Q Are these children all under 21 years of age? A No, sir. There is one of them that is of age, one of them is about 50.  
Q He will have to apply for himself? the others are under 21 are they? A No, there is two ain't, by one woman, and the others are under age.  
Q You have got three children that are over age? A Yes, sir.  
Q That brings you down to seven that you can apply for yourself?  
A That is all.  
Q Now, that seven are all unmarried? A No, sir, some of them are married.  
Q Those married will have to apply for themselves; so how many unmarried children have you that you can apply for? A Four.  
Q You have got six grandchildren? A Yes, sir.  
Q Are they living with you? A Yes, sir; they are going to school over in the Choctaw Nation.  
Q They are all under 21 and unmarried? A Yes, sir.  
Q You can apply then for yourself, your wife, four minor children, unmarried children, and six orphan children? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I come here in, about; well I come here before that, before I ever moved here, I come here in '35, '36 and '37; I come here in '36.  
Q Were you a slave at that time? A I was.  
Q Did you live in the Cherokee Nation from the time you came here in 1836 until the civil war broke out, the war between the North and South? A Yes, sir; that was my home.  
Q Were you a slave all the time? A Yes, sir; until the proclamation of Abraham Lincoln set me free.  
Q You were a slave until you were set free by the war? A Yes, sir.  
Q Where were you during the war? A Sometimes in the Choctaw Nation, sometimes in the Creek, sometimes in Fort Smith, sometimes down on the River running on the steamboat down the Mississippi; I was everywhere I could make money.  
Q You ranged over a wide scope of country? A Yes, sir.  
Q You were some in Arkansas? A Yes, sir.  
Q Some in Texas? A No, sir, I never lived in Texas.  
Q You worked on a steamboat for a while? A Yes, sir.  
Q How far down the river did you go? A To the Mississippi River; went from Little Rock to the Mississippi River, ran backwards and forwards on the River.  
Q How long did you run on the River there? A Some three or four

months; the boat we was on was called Idowees.

Q What time did you come back to the Cherokee Nation after the war closed? A I never went off, I never went away to stay any at a time.

Q In what year were you boating out there on the Arkansas between Fort Smith and Little Rock? A I boated some there in '75.

Q We are talking about the time during the war? A I was not boating there, the war was principally over; during the war I was running from Fort Smith up here carrying provisions to the soldiers, the regulars.

Q Now, the point I want to get at is where you were during the war?

A I was sometimes in the Cherokee Nation, sometimes in the Choctaw Nation, sometimes down home, sometimes on the bridge there, sometimes fishing on the river; wherever I could make money.

Q When the war closed you settled down did you? A Yes, sir.

Q When did you marry? A I married here before the war, many years.

Q What business do you follow now? A I follow preaching and doctoring and farming, I have got two farms.

Q How long was it after the war closed was it until you settled down to farming? A Well, I went finally to farming in about '75.

Q Where did you farm then? A I farmed right on the river this side of Fort Smith, the place I bought from Mrs. Sheppard.

Q That did you do for a living before 1875, say ten years before 1875? A Everywhere that I go since I was emancipated? Sometimes fishing, up and down the river, sometimes one thing and sometimes another, sometimes doctoring and sometimes preaching.

Q Sort of an unsettled life that ten years? A Yes, sir.

Q You led a roving, unsettled life until about ten years before 1875, when you settled down to farming? A Yes, sir.

Q Were you married during that ten years? A No, sir, when, well, when my wife died, I married my last wife, a Creek colored woman just after the war.

Q And how long did you and this woman live together? A We are living together.

Q You were married during that ten years before 1875; I ask you if you were married during that ten years before 1875? A I said not all the time for my wife died and part of the time I got another woman.

Q Was your wife who died your first wife? A No, sir.

Q When did your wife die that you are talking about now?

A She died about, I think she died about some 11 or 12 years before the war.

Q When did you marry after her death? A I married a Cherokee woman belonging to Jim Vann.

Q You spoke of having married a Creek woman? A That is my last wife; I am living with her now.

Q When did you marry her? A I don't know.

Q When did you marry that Cherokee woman you are talking about?

A I married her before the war.

Q Did you live with her until she died? A Yes, sir.

Q When did she die? A Two years after the war.

Q And then you married a Creek woman? A Yes, sir.

Q How long after the death of the Cherokee woman was it until you married the Creek woman? A About two years, as near as I can guess at it.

Q You were married for two years immediately after the war, because your Cherokee wife was still living? A No, sir, my first wife I married was a Choctaw.

Q How many times have you been married? A Three times, lawfully married.

Q Who was your first lawful wife? A Elizabeth Fulson, belonging to old Henry Fulson, Choctaw.

Q When did you marry her? A I don't know, sir, as far back I could not tell you.

Q Away before the war? A Yes, sir.  
Q About when did she die? A She died away before the war.  
Q She died some years before the war? A Yes, sir; I have got a son that about 50 years old by her.  
Q Then after her death you married a second time? A Yes, sir.  
Q Give me the name of your next wife? A Nancy Vann, Jim Vann's colored woman, Cherokee.  
Q Do you remember about when it was you married her? A Didn't live with her.  
Q But you married her before the war? A Yes, sir; I married her; the Choctaw wife fled and then I married her.  
Q Did you live with Nancy Vann until she died? A Yes, sir.  
Q When did she die? A She died about, well right about, the war had been going on, in the time of the war.  
Q She died during the war? A Yes, I call it that.  
Q She died after the war begun and before it closed? A She died after it went on a while.  
Q Before it quit? A Yes, sir.  
Q Well then, after the death of Nancy Vann you married a third time? A Yes, sir; married a Greek colored woman.  
Q Give me her name? A Mary Jane.  
Q Was that all of her name when you married her, just Mary Jane? A That was her given name.  
Q I want her full name, Mary Jane what? A Mary Jane Roach.  
Q Now you married her after the war closed? A Yes, sir.  
Q How long after the war closed? A I don't know exactly.  
Q Well, as near as you can get at it? A I must have married her sometime in, I don't know, must have been in '60 somewhere.  
Q You married her before you settled down to farming in 1875? A Yes, sir.  
Q Did you marry her as much as five years before that time? A I don't hardly think it was, I won't be certain, because I don't know.  
Q She is your wife now is she? A Yes, sir.  
Q Now can you tell me just in a plain way where you lived and what you did between the time your wife Nancy Vann died and the time you married Mary Jane Roach? A I could not, sir.  
Q Could not tell about that? A No, sir, I could not, for I was everywhere around.  
Q You don't know where you went and what you were doing? A Sometimes I was fishing, sometimes I was preaching and sometimes doctoring and sometimes cooking on a boat.  
Q Do you know in what country you were staying? A I do.  
Q Well, in what country were you? A Sometimes in the Cherokee Nation, sometimes going to Fort Smith, sometimes at Greenwood, sometimes Tahlequah and sometimes Fort Gibson, in the Creek Nation.  
Q And sometimes on a steam boat? A Yes, sir; I run here from three or four months on what is called the old Fort Gibson boat.  
Q Did you run on a boat between Little Rock and the Mississippi River? A Yes, sir.  
Q Did you ever boat down on the Mississippi river? A No, sir, go down to the mouth and come back.  
Q Mouth of the Arkansas? A Yes, sir.  
Q Well, now since 1875, right in front of Little Rock, where have you been living? A Living down here near Fort Smith, right in front out there, a little piece back from the river, about a mile.  
Q You have not been doing any work preaching and doctoring outside of the Cherokee Nation since 1875? A I have.  
Q Tell me something about that? A Well, sometimes in Fort Smith and sometimes in Van Buren and sometimes at Greenwood.  
Q You were following your profession around to those places? A Yes, sir.  
Q You were preaching about during this time? A Yes, sir.  
Q Have you a regular charge of a church? A I have.

Q Now what churches have you had charge of? A I have one now, I had charge of a church at New Hope, I had charge of a church.

Q Where is that church? A Down on the Mc-own and Pacific rail-road, about five miles from the river.

Q In the Cherokee Nation? A Yes, sir.

Q You have had other churches, have you? A Yes, sir, had charge of a church there at Niven's place, had charge of a church at Hobbs Falls, had charge of a church at Fort Gibson and Palleghah, at Palle Springs in the Choctaw Nation, and had one at Oulliville.

Q Did you have charge of any churches over in Arkansas? A No, sir.

Q Just here in the Territory? A I could not have that over there, my license are on Book B. at Maitagee, I am an Elder.

Q When did you belong to in the old times? A First to old Joe Vann and fell to his son Jim, Old Joe Vann was taken up on a steam boat on the upper Mississippi river.

Q Whom did you belong to at the time the war broke out? A Jim Vann.

Q He is dead is he? A He went off in time of the war to fight and I never seed him any more; I heard he was dead.

Q Are any of his people living? A If they are, I don't know anything about it.

Q No children you know? A Jimmy died at the Seminary teaching school, no Lavore married his youngest girl, she is dead.

Q Now what people know you and what you were doing and where you were living between 1866 and 1870, who all can you name that know you? A I worked for Sallie Franklin, worked right there on the line for McKibben and next a little before Christmas in 1870, made a crop for Payne.

Q Whom did you work for in 1868? A I worked for Mrs. Franklin,

Q That is the Mrs. Franklin whose name you have given before?

A Yes, sir.

Q Somebody else? A I worked for McKibben.

Q What is his full name? A I don't know his full name, that is it McKibben.

Q Where was he when you worked for him in 1868? A The line runs right along between the Arkansas and the Polack.

Q Were you working for him on the Arkansas side of the line or the Cherokee side? A Sometimes I worked for him on the Cherokee side and sometimes on the Arkansas side.

Q Did you work for McKibben there pretty much all through '68?

A No, sir, I worked two or three months; I worked for A. G. Jones.

Q Where did he live? A In the Cherokee Nation, and then I worked for his brother, Nat Jones.

Q Are there any other of these people living? A I don't know.

Q Who did you next work for, along in '69? A Well, I worked that through that, I worked before the war.

Q I never asked you about before the war; I asked you about '68, that was after the war, you said something about before the war.

A I worked for Mr. Bell in '68 and along after that I worked up on the hill, it is close to the road, that is where I doing a good deal of my work about '68; I worked, I was working for the government, I was cutting hay-barns for several weeks for the soldiers about nine miles from Fort Smith, looking for the wagonmaster.

Q There at Fort Smith? A Yes, sir.

Q Tell me something more? A I could not tell you to save my life.

Q Do you mean you lived ground so much? A It would be hard for you to locate me, for I can't locate myself, I just run around every where I could get anything to do.

Q Can you say anything definite about yourself during the war?

A I don't tell every place, I had worked one place two or three months and go off somewhere else.

Q Where did you work in 1867, was it the same way? A Yes, sir, I worked for a man named Bill Campbell.

Q Where did he live? A Near by Fort Smith, about a mile or two.

side of the river.

Q Practicing medicine some all the time here you? A When I was not at work, sometimes I was preaching.

Q Is that all you can say about '87, how long did you work for Campbell? A I worked down there sometimes two or three weeks and then go out.

Q Where would you go? A I went every which way; you know I could not state it.

Q Give me the name of your present wife; you say its Mary Jane Vann now? A Mary Jane Roach is her maiden name, Mary Jane Vann now.

Q How old is this wife, Mary? A I don't know.

Q Well, about how old is she? A To tell you the truth I don't know her age.

She is a good deal younger than you, isn't she? A Yes.

Is she as much as 50 years of age? A No, sir.

You married her young? A Yes, sir.

You think she is under 50? A Yes, I think she is about 45 or near as I can guess.

Where was she born? A Creek Nation, what's she tells me.

Has she lived with you ever since her marriage? A Yes, sir.

Her people then are Creeks? A That's what they claim to be, sir.

Give me the name of her father? A Bob Marshall, that's what she claims.

Is he dead? A Yes, I think he is.

Give me the name of your wife's mother? A I don't know. I have heard her call her Sarah.

Do you know whether she is alive or dead? A Dead; she was an orphan when I married her.

Well then, Roach was not her maiden name; her maiden name was Marshall? A They called her Roach, I don't know.

Well, now give me the names of these four children of your own that are under 21 years of age? A One is named John.

How old is John? A Johnnie is about 18.

Now give me the name of the next child? A One is named Jimmie James? A Yes, sir.

How old is James? A I can't just exactly give his name? (14).

Now, give me the name of the next child? A The next child is named Harrison.

How old is Harrison? A He is in his 18th year.

He is older than John? A Yes, sir; Harrison is the first one by this woman.

Now give me the next one? A The next one I call her, it is a girl named Janie, named after her mother.

Named Jane? A Yes, sir.

How old is Jane? A Janie.

You want it put down that way? A Yes, sir.

How old is she? A She was eleven years old last August.

Now are these children all living? A Yes, sir.

You have been enrolled have you by the Cherokee Nation at different times? A Never was enrolled except here once and I was enrolled in about '70, but it could not be found it was locked up.

Are these four children all by your wife Mary Jane? A No, sir; Mary one of them.

Who is the mother of John? A Johnnie, the mother of Johnnie was a Cherokee woman, Cherokee colored woman, the one I told you was named Nancy.

Nancy was the mother of John? A Yes, sir.

Who is the mother of James? A Yes near the first old woman?

You have got a son named James? A Yes, sir.

I want to know who the mother of that child was? A Harrison

You said she died before the war and you will be that child is 14 years old.

You say now that you have only three children that are living

A That is all.

Q I find it very hard to get you to keep your children separated from your grand-children; how many children have you got altogether?

A I have got about twenty.

Q How many have you got that are under 21 years of age; three I believe you said the last time? A I was talking about my last wife.

Q Have you got any children by your wife, Mary Jane, who are under 21 years of age? A No, sir, very few.

Q Now, you haven't got any by your other wives that are under age; they have been dead too long? A You called me back and said my grand-children.

Q How many children have you by that wife Mary Jane? A Aint got but three.

Q Now, give me the names of these three children? A The oldest one is named Harrison.

Q How old is Harrison? A I told you a while ago about 19.

Q Now, what is the next one to Harrison? A Johnnie.

Q How old is John? A About 14.

Q The next one? A Jante.

Q How old is she? A Eleven years old.

Q You have only three children by this woman, Mary Jane Roach, have you? A No, sir, I have had five, but they are the only living children.

Q The other children, and by this I mean your own children and not your grand-children, they are all over 21 years old? A Yes, sir.

Q Now, the mother of these children is Mary Jane? A Yes, sir.

Q And she was a Creek? A Yes, sir, that is what she comes from, that is what they say.

Q Have you applied to have your wife, Mary Jane, enrolled as a Creek? A Never did, I went over there about three weeks ago and went up to the office.

Q Never mind about that, just say you never applied? A I did apply, they told me any time I would come and bring witnesses.

Q You expect to have her enrolled as a Creek do you? A I do.

Q Then you don't want to apply to have her enrolled now as a Cherokee? A I didn't think I could.

Q Now, do you want these children enrolled as Cherokees? A Yes, sir.

Q You didn't make application to have her enrolled as a Creek when you went to Muscogee? A I went into the Commission and asked and they did so fetch her any time.

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

Q Now, give me the names of these six grand-children? A One is named, the youngest one Jim.

Q Can't you begin with the oldest one and give them to me in that order? A Yes, sir.

Q Give me them in that order? A Cornelia.

Q How old is Cornelia? A Cornelia's about twenty. Her mother is living right there joining me.

Q She is not one of the braves you spoke of? A No, sir; well one of them is named Jim.

Q Can't you begin at the other end and give them to me straight? One of them is John.

Q How old is John? A He must be some 13 or 14.

Q For which one is next to John? A There is one named Richards.

Q How old is Richards? A He is next to him, I don't think there is more than a year or two.

Q Now, the next one to Richards? A James.

Q How old is James, about two years younger than Richards?

Q He might be and he might not.

Q Well, he will put him down or 13 or the present, which is the name of his mother and after James? A The other is named after his wife, Cornelia.

Q How old is Harrison, a little younger than James? A Yes, sir.

Q How old is Johnnie, about two years younger than James? A Yes, sir.

- A Did I give you Jim?  
Q No, sir: you have a grandchild named James, have you? A Yes sir.  
Q How old is James? A He is about eleven.  
Q He is older than Harrison? A No, sir.  
Q The way you are giving it I would say James is about eight or nine? A I don't know.  
Q What is the next one, that would be the last one? A Peter.  
Q He is the youngest of the six? A Yes, sir.  
Q About how old is Peter? A I think Peter is about six years old.  
Q These children are all living now are they? A Yes, sir.  
Q Were these children all born in the Cherokee Nation? A I don't think they were.  
Q Give me the name of the mother of these children? A Lucy.  
Q Your daughter Lucy? A Yes, sir, Lucy Vann.  
Q These children all have the name of Vann? A Some of them children, I don't know who was the daddy.  
Q You know what names you give them; you call them all Vann, do you? A They was not lawfully married.  
Q They take the mother's name? A Yes, sir.  
Q Your daughter lived and died as Lucy Vann did she, was that right; she was not lawfully married? A No, sir.  
Q Did she ever marry at all? A Yes, she married a colored man named BRAGG.  
Q When did this daughter Lucy die? A She has been dead about four or five years, maybe more.  
Q Something like five years as near as you can get at it? A I cannot say because I don't know; she was dead a good while before I knowed, about six months.  
Q Where did she die? A Down below V n Buren, went down there with a man, I never knowed of the being married.  
Q Where was Lucy Vann born? A Born in the Cherokee Nation.  
Q Where in the Cherokee Nation? A Webbers Falls.  
Q About how old was she when she died? A I don't know her age.  
Q How old would she be if she were living now? A I don't know her age, when the war come up we was all scattered and she was young.  
Q Was she living when the war come up? A Yes, sir, she was very small.  
Q Well she would be a little over 40 years of age now? A I don't know.  
Q Where did she live when the war ended? A Well, she was sometimes about Fort Smith, sometimes she was at Webbers Falls and sometimes down here where I, come down there about where I lived.  
Q Just about at different places? A Yes, sir: been to where I lived with my last wife and sometimes over in Fort Smith cooking.  
Q Where was John born? A Cherokee Nation.  
Q Where was James born? A They was all born in the Cherokee Nation but one.  
Q Which one was that? A I think that was the youngest one, I think it was born in the States, I believe in facts two of them was born in the States.  
Q Which one? A I don't know; it was about thirty miles from me, but it seem to me like two of them was born in the States.  
Q Where was this daughter, Lucy, between the time of 1865 and 1875, when you began farming? A Sometimes she was at Alma and sometimes she went off to Memphis cooking for Mrs. Brock, cooked for her, I can't tell you where she was.  
The 1860 authenticated Roll of citizens of the Cherokee Nation examined and the names of applicant's not found there.  
Q Your wife is not on that 1860 roll? A No, sir; but I am on the Clinton roll.  
The 1870 census Roll of citizens of the Cherokee Nation examined and applicant's names not found there.  
Q Did you ever Cherokee claim money? A Yes, sir.  
The Clinton Roll of citizens of the Cherokee Nation examined and applicant's name found there.



Vann, Sequoyah District.

Q Did you draw for your wife did you? A No, sir; she aint on any roll; there aint none of my wives on the Cherokee Roll.

Q Did you draw Cherokee Strip money for these three young children, John, Harrison and Janie? A No, sir; Jane she was too young on the Wallace roll and their names was knocked out on the Kerns roll.

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

Q Did you draw strip money for these grandchildren? A They aint any of them on the Kern-Clifton roll, they were left off.

Examination continued by John F. Foulds, Attorney for Applicant:

Q I didn't understand what you said your age was, Mr. Vann?

A About 87, as near as I can guess.

Q You say your age now is 77 or 87? A I didn't say 77, I say about 87.

Q You say you were owned at the time the war by Jim Vann? A Yes sir.

Q Was he a Cherokee Indian? A He was himself.

Q And lived in the Cherokee country? A He did.

Q Did you reside in the Cherokee Nation when the war broke out in '61? A I did.

Cross-examination by W. Hastings, Cherokee Representative:

Q Where did you live in the Cherokee Nation at the opening of the war? A I lived with old Ben Johnson near Fort Smith.

Q That is at the beginning of the war? A Right there.

Q You lived with Ben Johnson there? A Yes, sir.

Q Where did Jim Vann live? A Jim Vann stayed here about Fort Gibson and Tahlequah; I was hired to Ben Johnson for \$800 by Jim Vann and put there to work about six years before the war.

Q Well then, you left Jim Vann somewhere about 1855? A Jim Vann come down there and tried to get me and Ben Johnson and him had a great fuss and Ben Johnson would not let me go.

Q You left Jim Vann's home about six years before the war?

A I was put there to work.

Q I will ask you what Jim Vann's wife's name was? A His last wife was named Mante.

Q What was her father's name? A I don't know.

Q You don't know what her maiden name was? A I don't know exactly because Jim Vann had two or three wives to tell you the truth about it.

Q You don't know then, who Mrs. Vann's father was? (No response)

Q You belonged to Jim Vann's father before that? A Old Joe Vann, yes, sir.

Q Joe Vann was blown up on a steamboat? A Yes, sir, on the Mississippi between St. Louis and coming down, the upper Mississippi, between that and the Mississippi river.

Q You was not along with him? A No, but I was keeping race horses for him.

Q About when was that? A Before the war, I don't know how long.

Q Do you know what that steamboat was named? A I do.

Q What was its name? A Lucy Walker.

Q What kind of a house did Jim Vann live in here at Fort Gibson when you belonged to him? A To tell you the truth I can't recollect, it was not any log house but I don't recollect what kind it was.

Q You don't remember what kind of a house? A I recollect the last time I had anything to do with him, him and Mash down here went portlyhole to fight and that is the last time until he come to try to get me to wait on him.

Q I want to know some sort, something about Jim Vann's home?

Q Where he lived so long at Rabbers Falls, but up here I was not.

Q Now when you were hired out about six years before the war to Ben Johnson, where did Jim Vann first live when you left him?

A I think he was living at Park Hill when he lived me out.

Q Was his wife then alive? A I can't know, after they separated, I don't know nothing about them; they parted three or four times and went back together.

Q Were they living together when you left up there, Park Hill? A I don't know.

Q What sort of a house did they occupy at Park Hill? A I don't know, I don't recollect.

Q You don't remember that? A I don't know, half of the time he would be drunk and get money from me and go where he pleased.

Q And you would get the money and go back and pay him? A If I found him in Gibson.

Q You would get the money and pay him? A Sometimes I would send it to him by mail.

Q You could write at that time? A Yes sir.

Q But you don't know anything about the locks of the premises about your old home; did they have a spring? A Yes.

Q Had a spring did they? A Yes, sir, sorter under the gill.

Q But you don't know what sort of a house they were living in?

A No, sir.

Q Don't know what kind of a barn? A No, sir.

Q How many children did Jim Vann have? A I don't know, sir.

Q Did he have any children at all at the time you left him?

A If he did he didn't have them with him.

Q Didn't have them then? A No, sir.

Q Did Jim Vann have some brothers? A He did.

Q What were their names? A One was named Johnnie, he taught school at the Seminary over at Tablequah, he died there, that is what I understood.

Q You never saw him there? A Yes.

Q And you know that the same one was his brother you saw before the war? A Yes, sir.

Q He was not a full brother of Jim Vann? A I don't know because my old Master had two wives and I don't know.

Q At least a half brother? A That's my understanding.

Q Did he have a sister? A Yes, sir.

Q What was her name? A Sallie.

Q Who did she marry? A Sallie married Israel Lavore.

Q And you knew him? A Yes, sir.

Q Did he have any other sister? A I don't know, that is the youngest one.

Q I will ask you, Mr. Vann, if you didn't apply to the Daves Commission in '96 for citizenship, five years ago? A Why no.

Q Filed your case on September 6th, 1896, and was not J. P. Mullen your Attorney? A Yes, sir.

Q He was? A Yes, sir.

Q And you filed that case? A Not myself I didn't because I got my money on the Wallace roll and on the Kern-Clifton roll.

Q You did not apply to the Daves Commission? A Oh, but it was for some of the children because I got my money on both rolls, Wallace roll and the Kern-Clifton roll.

Q You already had your money at the time the application was filed for your children? A Yes, sir, I think so, I got my money at Hayden.

Q This application was made for these children that were living here? A I had got my money here.

Q Do you remember that that Hayden payment took place in February or 1897? A I don't remember, I got my money.

Q But you did get my money before September 7th, 1896? A I got some of my money.

Q Did you get any money before September 7th, 1896, the Freedman roll was not made up? A I got it on the Wallace roll.

Q You deny then that you applied to the Daves Commission there and J. P. Mullen as your Attorney in 1896? A I deny for me myself.

Q Did you apply for citizenship in the Cherokee Nation? A I think that when I was debarred at sometime time, right here, I know I did, went before Mr. Needles I believe it was and Mr. McEachen and Mr. Pennix, and I had not been admitted, and the Cherokee would not do it, I had gotten money on the Wallace roll and on the Kern-Clifton.

Q You think you applied? A I think I did.

Q I will ask you if you were ever in the State of Louisiana? A Yes.

many of a time when old Joe Vann was running his boat.

Q Were you ever known by the name of George W. McKamy? A Yes, sir; that's my father, George W. McKamy, a full blooded African negro, that is him; my father he come with my mother here, Charlotte Brown, half Cherokee and half colored my mother.

By Commissioner Breckinridge:

Q Your mother's mother was she Cherokee? A She was a negro belonging to old Ben Brown, so I was told.

By W. V. Hastings:

Q Now, you denied five years ago before the Kern-Clifton Commission that you ever went by the name of George W. McKamy? A No, sir, because my license is that here on Book B in Muskogee, that is my father's name.

Q When were your preaching license put on that book? A They were on that book when the law come in this country.

Q Well about how long ago? A About '75.

Q Then you admit five years ago that your name was George W. McKamy?

A Yes sir, that is what it has been all the time my father was a freed man.

Q Were you ever in Chattanooga, Tennessee? A Yes, sir, in my life I have been.

Q Have you been there since the war? A Yes, dozen of times, I run up and down there and dozens of times, I have up to my uncle's in Knoxville, Tennessee.

Q How long did you ever live in Chattanooga? A Never lived in it at all.

Q And you have been there a dozen times? A Yes sir.

Q When were you there the last time? A I don't know, sir.

Q What were you doing running up and down there? A I have some uncles living on Missionary Ridge, and I have got some lives across from that on the ridge that live in Nashville.

Q How did you keep up with them whereabouts? A I just keep up with them like you do with your kin folks.

Q You have resided in Argenta, across from Little Rock? A I went to the Brooks and Baxter war, Powell Clayton come up and got about fifty negroes and went to new Argenta, George Hughes, after we come, after all of us was made vacate by the President on both sides.

Q How long did you remain down there? A About six months and was constable of Argenta on that side.

Q I asked you the question before the Kern-Clifton Commission if you went down there and you denied it? A No, sir.

Q You were there? A Yes, sir, I went away from here and went there.

Q I asked you also if you were not constable over there at Argenta and in 1886 before the Kern-Clifton Commission you denied that?

A I did not.

Q You were, were you? A Yes, sir.

Q Where was your wife at that time? A At the little old house below the Ferry land some, part of the time she come down there where her mother was right there at Argenta.

Q Was her mother there at Argenta? A She was some of the time. This wife that I have got was part of the time there in the Creek Nation and part of the time she was not.

Q How Uncle George, when were you married the first time?

A I don't know.

Q About how long before the war? A Oh, long time.

Q About how many years before the war? A I don't know.

Q Give me some sort of estimate? A I won't give you something I don't know.

Q About how old were you when you married the first time? I I can't tell you.

Q Did you have any children by the first wife? A I did.

Q What was that child's name? A That was the eldest one, named Jim Vann.

Q That was your eldest child by your first wife? A No, I had one child that is the second boy.

Q About how old would Jim Vann be if he were living? A I don't know, sir.

Q Then you haven't the slightest idea when it was you first married? A I don't.

Q How long did you live with your first wife? A I don't know, a long time.

Q About how many years? A I don't know.

Q Where was this woman, this first wife of yours, where did she stay, with you? A No, sir, she didn't, she staid with old Henry Fulson at Doaksville.

Q How far is that? A That is in the Choctaw Nation.

Q How far from Red River? A It is on this side.

Q About how far? A I don't know.

Q Is it in the southern part of the Choctaw Nation? A Yes, sir.

Q Near the line? A I don't know where the line is.

Q You were a slave of Jim Vann up here in the Cherokee Nation yet you had a wife that you had married at Doaksville? A I married her, she was hired to Clem Lavore and I went to Fort Smith to see her and married her.

Q That is where you first met her? A I married her in Fort Smith.

Q Now when did you marry the second time? A I married down here at Webbers Falls.

Q How long before the war was that? A I don't know.

Q About how long? A Oh, I don't know.

Q A long time before the war? A Good bit.

Q You can't give any estimate at all? A Can't tell you what time don't know and aint going to try.

Q I would like to get some estimate about as to when you married the last time? A I married after the war.

Q About how long after the war had closed? A I don't know, old Peter Stidham married me.

Q As much as thirty years ago? A I don't know, I married her after the war, I don't know whether thirty years is after the war or not.

Q About how many years after the war? A I aint got no recollection and can't tell you.

Q Now, Uncle George you applied for citizenship down in the Choctaw Nation, didn't you? A I did not; my children did; they said I was a Cherokee.

Q You admit now you applied for your children? A I went there and they went there and they told me to take counsel that you are a Cherokee and you can't do it.

Q You denied that five years 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 20th day of April, 1901.

Signed, T. B. Needles,  
Commissioner.

April 18, 1901.

George W. Vann, et al., hearing continued.

Questions by Mr. Hastings:

Q Uncle George, you applied to Colonel Mason and Mr. Keyes when they were sitting here as the Old Settlers Commission, didn't you, to be enrolled? A I said my mother came in as an old settler and she was, she came here as an old settler.

Q Your mother did? A Yes, sir, she was brought here; my mother was part Indian and I thought if it was half negro and half Indian I could get it and I applied and wouldn't do it.

Q You don't recall that you applied to them? A I do recall.

Q Didn't deny five years ago that you ever applied to be enrolled as an old settler? A No sir, you said I had applied to Mr. Tama Bixby and I said then I hadn't because they hadn't put me in, but not as an old settler on that.

Q Don you admit now that you applied to be enrolled as an old settler, a Cherokee? A I don't know whether it was, I seen Mr. Keyes, I don't know whether the right was in it or not, me and Harper Houston, because I was half negro and half Indian and they said that I could and they said no and that stopped me.

Q Did you come here with your mother; you testified you came here in 1836? A Yes, sir, I came with my mother in 1836, and she came to settle and she came here once, old Ross, and the old chief John, and one of the Bushyheads, and me and my mother all come here, and come here in a two horse vehicle before any of the Indians located in this part, and came here and looked, old Chief Ross they did, he came here, and after he came here he went to Washington, and come back and went to Washington and his wife died and he married another woman, his wife which one he had when he come to the nation, and he married some woman at Washington city, and then came back here and went back to Washington and died, he married out of the nation; that was the chief we came with at the beginning.

Q You came with them? A Yes, sir, I came before the Indians come; they came to look at the land.

Q You came with Chief Ross? A Yes, sir.

Q It was before any Indians came out here? A Yes, sir, there was none had come here; they came to look at this country.

Q Where did John Ross' wife die? A Which one?

Q That one you were talking about? A Died somewhere about Tahlequah somewhere, and he went to Washington and married again there and he came home and went back to Washington and he died.

Q How long after you came out before he died? A He was here a good while before he ever died.

Q Five or six years? A Yes he was; you may laugh but you will find out, you know it, and his remains, when I first seen him I was here and they took him there and fetched him in from Washington City, by Van Buren.

Q Did they take him to Van Buren on that Frisco train? A No, sir, I don't know how they got him there; I was there and saw him put on the boat; I am talking about what I know, you know now, ask some of these gentlemen whether he had a wife that died here and went to Washington and married again.

Q Who else came along with you when you came out here? A I came with my master, with Joe Vann.

Q Joe Vann? A Old Joe Vann, with all the women and little children.

Q What children? A Negro children.

Q What about his children? A Joe Vann's children never came, a whole brigade came in here and met us here, and we came around on the steamboat, and little children, little negro children, came and got off in Port Smith at this nation side, and I was waiting on him, and a brigade came here the other way and landed; you may whisper but is is legal; you can't deny it either, the records show it.

Mr. Peck: You said you were born in Tennessee? A Yes, sir, I was born in Ross county right under Missionary Ridge.

Q You came here to remain here in 1836, sometime about then?

A I was here twice, I came with my mother first in 1835, then there was three removals, 1835, 36 and 37; just exactly this way.

Q You remained here when? A In 1836.

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 19th of April, 1901.  
Signed, T. B. Needles,  
Commissioner.

April 19th, 1901.

George W. Vann et al., hearing continued:

WARREN GILPATRICK, called as a witness for a plaintiffs,  
being sworn and examined by Commissioner C. R. Breckinridge, tes-  
tified as follows:

- Q Give your full name there? A Warren Gilpatrick.  
Q How old are you? A 50 years old.  
Q What is your postoffice? A Sallisaw.  
Q In what district do you live? A Sequoyah.  
Q How long have you lived in the Cherokee Nation? A Lived here  
all my life, off and on.  
Q Were you born in the Cherokee Nation? A I was born in the old  
Nation, come from the old country.  
Q In what State? A Tennessee and South Carolina.  
Q Where did you come to the Cherokee Nation? A When I was a boy.  
Q Sometime before the war? A Yes, sir.  
Q You were a slave before the war? A Yes sir, I reckon so, my  
people say.  
Q You remember very well back at that time you were 14 or 15 years  
old? A My mother always said we belonged to a man by the name of  
Bill Padgett.  
Q Do you remember far enough back to know to whom you belonged?  
A No, sir.  
Q Your mother said you belonged to Bill Padgett? A Yes, sir.  
Q And you suppose that you belonged to the same man? A Yes, sir.  
Q Where were you during the war? A I was in the Cherokee here  
part of the time.  
Q Tell me now just where you were, you were old enough to remember?  
A I was here, right here in Fort Smith, right here in the bottom,  
are at Fort Smith during the whole of the war.  
Q Tell me where you were during the whole of the war? A I was  
in the war part of the time.  
Q Do you mean in the army? A Yes, sir.  
Q That was at the last of the war? A Yes, sir.  
Q What were you doing in the army? A Just running around waiting  
on people.  
Q Where were you when the war closed? A I was here.  
Q Do you mean in Fort Gibson? A No, sir.  
Q Well, tell me where you were? A Down here in the bottom at the  
old Johnson place.  
Q You were not in the army then? A No, sir.  
Q That is where you were at the time the war closed? A Yes, sir.  
Q Who owned that place, that Johnson place? A Ben Johnson is all  
I know.  
Q The old Ben Johnson place? A Yes, sir.  
Q Well, now give me some account of yourself from the close of the  
war down to this time; how long did you stay there on the old Ben  
Johnson place? A I stayed there off and on; I stayed there all the  
time.  
Q Are you there now? A No, sir.  
Q In what year did you go to the old Ben Johnson place? A I come  
there in '68.  
Q Where did you go from? A I come from the army then.  
Q Well, where? A Richmond, Virginia.  
Q You were in the Army at Richmond, Virginia? A Yes, sir.  
Q And you came to the old Ben Johnson place from Virginia in '68?  
A Yes, sir, right here to the Territory.

Q What were you doing in the army in Virginia? A Just running around following it up, had nothing else to do, just following the soldiers up.

Q How did you go to Virginia? A I come back with the crowd.

Q How did you go there, I said? A I went with the soldiers.

Q With what soldiers? A The Federals.

Q Where did you take up with them? A I taken up with them at Memphis.

Q How did you go to Memphis? A I went with the people passing.

Q Where did you first take up with the troops? A Up here in Arkansas, on White River.

Q What were you doing up there? A Just floundering about as a boy would, I had no one but myself.

Q When was that you took up with the troops there in Arkansas?

A I could not say.

Q You are supposed to know something about yourself, you are supposed to know something of you would not be here; was that your first taking up with the troops? A Yes, sir.

Q And you followed them to Memphis? A Yes, sir.

Q And from Memphis to Virginia? A Yes, sir.

Q And from Virginia you come back here in '56? A Yes, sir.

Q Where had you lived here before you went off with the troops?

A Down at the old Ben Johnson place.

Q You lived there when you first came? A Yes, sir, that is where my people left me there.

Q When you first came to the Cherokee Nation where did you locate?

A Right there on the river this side of Fort Smith.

Q Your mother belonged to Bill Padgett? A Yes, his daughter I reckon she belonged to him.

Q Did you live with your mother before the war broke out on the old Ben Johnson place? A No, sir, my mother died.

Q Well, where did you live before the war broke out, when you came to the Cherokee Nation? A I lived down there on the bottom on the old Ben Johnson place.

Q That is where you lived and where you were? A Yes, sir.

Q Do you remember your mother? A No, sir, not good; I remember her name.

Q That is about all you remember? A Yes, sir.

Q Well, who owned you and controlled you and directed your movements about the time you were about ten or twelve years of age; there was some authority in the country in that day, who had charge of you? A I forget the man's name now, he is dead, and I forget his name; his name was Ben though.

Q White man? A No, sir, colored man.

Q Well what white man owned you and directed your movements before you went to the army? A None at all.

Q You say you were a slave? A I said by my mother, I recollect I was a slave.

Q But you have no recollection of being under the control of a white man? A No, sir.

Q And you were living at the old Ben Johnson place? A Yes, sir.

Q Is that the first you can remember of yourself when you were living on the old Ben Johnson place? A Yes, sir, before the war.

Q And you remember that place very well, do you? A Yes, sir.

Q How old were you when you first went there? A I could not tell you, I am just going by now what the old people said my age was.

Q I am talking about now what you came here; you remember the Ben Johnson place there before the war? A Yes, sir.

Q They were out on top and down there? A No never made any account, made out.

Q Do you remember living there some years before you went off to the army with the people? A Yes, sir, lived there two or three years.

Q That is the first you have any recollection of in the Territory?

A Yes, sir.

Q Is the old Ben Johnson place? A Yes, sir, where they were...

A They were out on top and down there...

people starting to come and such as that? A Yes, sir, cooking for the soldiers.

Q That was pretty soon after the war broke out was it? A Yes, sir, about the second year.

Q Give me the name of your father? A Benton Oilpatrick.

Q Is he dead? A Yes, sir.

Q Do you remember him? A Yes, sir, remember seen him.

Q He died when you were very little? A Yes, sir, small boy.

Q Have you any brothers? A No, sir.

Q Any sisters? A No, sir.

Q Have you any kin folks? A No, sir, no one but myself.

Q How did you happen to come back here then, in 1866, from Virginia? A That is where I lived, where I left my people.

Q Who were your people if you have no sisters, brothers or aunts?

A I left my mother.

Q Your mother was dead? A Not at that time.

Q You said she was? A Did I say she was dead at that time.

Q You said she died in your early recollection? A The people I was acquainted with lived there, that is the only place I come, there is where I went from and there is where I come.

Q That is what brought you home in '66? A Yes, sir.

Q What fixes it on your mind about it being in '66 you came back from Virginia? A That is the year.

Q You were in Richmond? A Yes, sir.

Q Do you remember when General Lee surrendered? A Yes, sir.

Q They had a big jollification there in Richmond? A Yes, sir, I was right there.

Q Then the fighting was all over? A Yes, sir.

Q Did you then come right on? A I returned here.

Q How long did it take you to come here? A Took us about, the way we traveled it taken us about two weeks, three weeks.

Q To come from Richmond here? A Yes, sir.

Q You left immediately after the jollification of General Lee's surrender? A Yes, sir, right on here.

Q He surrendered in the early spring? A Yes, sir.

Q And you got here before summer? A Yes, sir, I got here in the latter part of the summer.

Q You said you got here in about three weeks after he surrendered along early in April, you must have gotten here according to that before summer? A It may have been.

Q It took you about three weeks? A Yes, sir.

Q What way did you come? A Horseback.

Q Rode straight through in three weeks? A I said in about three weeks, I could not exactly remember.

Q All the way here horseback? A Yes, sir.

Q Who all were with you? A Oh, well, I could not tell; there was twenty or thirty all in a gang coming together.

Q You speak of being in the army? A Yes, sir.

Q You were in Richmond when General Lee fell? A I was with the Union army part of the time and I was with the Yankee army.

Q The Union Army had charge of Richmond when General Lee surrendered? A Yes, sir.

Q And you were with the Union army when General Lee surrendered?

A Yes, sir.

Q And who were those people you came back with after the war closed?

A I could not tell you so many different people.

Q Mostly colored people? A No, sir, white people and colored.

Q Well, now what way did you come when you came back you remember some of the circumstances of the trip from Richmond here? A I don't know whether I do or not, it has been so long.

Q Did you go through any cities you remember? A I came through Memphis, Tennessee, I remember that.

Q That is about all you can remember is it? A Yes, sir, I know when we got to Memphis, there was not any cities through the country



but Memphis much.

Q Well, now what do you know about George V. Vann? A I know that I staid with him.

Q Where? A Down here on the river in the bottom.

Q On what place? A Ben Johnson place.

Q When was it you stayed with him? A '68 when I come back.

Q Did you find him there when you come back in 1868? A Yes, sir.

Q How long did you stay with him? A I stayed with him about eight or nine months, about twelve months.

Q And then what did you do? A In 1868 I taken a trip to hunt up some of my people.

Q What kin were they to you? A Some uncles I heard of.

Q You told me just now you didn't have any uncles? A I told you I didn't have none here.

Q Where did you have any? A In the old country, I got on track of them, I heard of them and I went out to hunt them.

Q How many uncles did you have as far as you know and give me their names? A I had three.

Q Give me their names? A One was named Isaac Demover.

Q Did he ever live in the Cherokee Nation? A Not as I know of.

Q Where did he live? A I don't know where he lived.

Q When you got on the track of him where did he live? A In the old country.

Q In what state was that? A South Carolina.

Q And you went back to South Carolina? A Yes, sir, went back there to hunt up my people.

Examination continued by John F. Faulds, Attorney for Applicants:

Q Do you remember of seeing George Vann before the war broke out in 1861? A Yes, sir, I seen him there on the river.

Q In the Cherokee Nation? A Yes, sir.

Q You were here when the war began? A Yes, sir.

Q Do you know whether he was here at that time? A He was here there on the river.

Q What the war began? A Yes, sir.

Q And you stated that you were away sometime during the war, did you see him at all during the war, that you remember? A No, sir, I didn't see him from the war up to '68.

Q Where have you lived since 1868? A I have lived, I lived part of the time here in the creek and part of the time in Fort Smith there, worked principally on public work.

Q You have lived pretty much of the time in the Cherokee Nation?

A Yes, sir, made this my home.

Q Have you since 1868; has George Vann been away from the Cherokee Nation for any length of time? A Not as I know of, I stayed right there around there and knowed him, he has not been anywhere as I know of.

Q You have seen him off and on? A Yes, sir.

By Commissioner Brackinridge:

Q You say after you came back to the Territory in '68, that you went to the Ben Johnson place? A Yes, sir.

Q You stayed there a little while and then went to South Carolina to look up some kin folks? A Yes, sir.

Q How long did you stay back there in South Carolina? A About three months, three or four months.

Q You finished that visit and then did you come back to the Cherokee Nation? A Yes, sir.

Q Where did you settle then? A Right here by Fort Smith, in the bottom right there by old man Vann.

Q What was old man Vann's given name? A George, all I know.

Q Did you settle on George Vann's place? A Yes, sir, I stayed there with him.

Q Is that where you worked? A No, sir, I never worked there.

Q What did you do? A I worked around by day.

Q Did you see George Vann at that time? A Yes, sir.

Q Is that the man's place you are talking about? A Yes, sir.

Q How long did you live with him and around about him there?

A I lived around about him there three or four years, I mostly stayed with him; I would go around and work and come back there and stay with him.

Q Have you known him ever since that time? A Yes, sir, ever since that time.

Q Have you been settled in the Cherokee Nation ever since your return from South Carolina? A Yes, sir.

Q And have known George Vann, this applicant, all the time?

A All the time.

Q Has he been settled in the Cherokee Nation all the time?

A Every time I seed him he was here.

Q Have you been seeing him all the time? A Yes, sir.

Q Have you been living there with him and about him after you came back from South Carolina: how long did you live with him or close to him? A Oh, I lived close to him for three or four years.

Q And then how far did you live from him? A Lived about five miles.

Q And how long did you live that far from him? A I could not tell exactly.

Q Well, five or six years, six or seven years? A Five or six years

Q You were living there all the time and he lived at the other place all the time and he was staying all the time continuously at home, was he, at the other place? A All the time I saw him.

Q Did you see him frequently? A He was a preacher and I have heard him preach in the settlement.

Q He was abiding there and you heard him preach around in the neighborhood around there and he was settled there in that way with no interruption, but what you would call neighborhood preaching? A No, sir.

By Mr. John F. Maulds:

Q Did you know who owned George Vann at the time of the war?

A I always heard him say Jim Vann was his boss, I have heard him talking about Jim Vann.

By W. W. Hastings, Attorney for Cherokee Nation:

Q When did you hear him say that Jim Vann owned him? A I heard him say it all along.

Q Before the war? A Yes, sir.

Q Why is it you remember who owned him when you don't know who owned yourself? A I don't know that I had any owned. If I did I don't know anybody.

Q You were too young to know that? A At least nobody ever told me that I had any, at least my father, my father was a Choctaw.

Q I believe you state that when you came back in 1866 you came back to George Vann's place, did you? A No, sir.

Q Well, to where George Vann lived? A Where he stayed.

Q And remained there with him then how long? A Two years or more.

Q Then you went in search of some of your people in South Carolina?

A Yes, sir.

Q Now, if I get your statement correct you remained in South Carolina in search of your people about a year? A No, sir.

Q How long? A I staid there three or four months.

Q Then you came back from South Carolina to the Cherokee Nation and to this same place you had left there? A Yes, sir.

Q And then found the applicant, George W. Vann, there, when you returned that time? A Yes, sir.

Q With whom was George Vann living when you knew him first in 1866? A I could not tell that, he was working there and said his boss was Jim Vann.

Q That is after the war when was he living with when you knew him in '66? A I suppose he was living with his people, his boss, Jim Vann.

Q That was after you came back from Richmond? A Yes, sir.

Q Who else was there at that time? A There was lots of them people there.

Q Jim Vann's family there? A Well, now, I never did take any account of them for I never had any business with the Indians and the

white people and that kind.

Q But you remember distinctly of seeing George Vann there? A I remember seeing who they called his boss and they called him Jim Vann.

Q What kind of a looking man was he? A Just like any other man, being so long I can't tell what kind of a man he was, I know he was an Indian.

Q You don't know whether he was dark or light complexion? A He was about the color of all other Indians.

Q Do you know whether he was tall or small? A I don't know.

Q You remember of seeing him there in '66 in the country? A I remember them calling him Jim Vann.

Q This man, George V., was living with Jim Vann, was he at that time? A I suppose that was his place.

Q That was on the river this side of Fort Smith? A Yes, sir.

Q Did George Vann at that time have a family? A Yes, sir.

Q Of what did his family consist; did he have a wife? A I reckon so; he lived with a woman.

Q What was her name? A I could not tell her name now.

Q You lived with them a year and was only gone three months then returned to the same neighborhood? A She has been dead so long I can't think of her name now.

Q But he had a wife at that time living with him? A Yes, sir.

Q You don't remember her first name? A No, sir, I could not tell.

Q How long after that was it before she died? A I could not tell you that.

Q Some little time after '68? A Yes, it was after '66, but I could not tell the exact time.

Q Did he have any children there with him in '68? A No, sir, none at that time, I don't know.

Q Didn't have any children? A Yes, he had a daughter I think by the name of Mary Ann.

Q About what size was she? A Oh, she was small.

Q What kind of a house was there on the Johnson place there George Vann stayed in '66? A Log house.

Q One room? A I forget how it was built; I remember it was an old log house, where he lived it was one room.

Q I mean here the white family stayed? A It was a large double log.

Q How far was that from the bridge that crosses the river to go over in Arkansas? A I could not tell you, though it ain't very far from where the bridge crosses the river now.

Q Did you know any of the Vann family before the war? A No, sir, none but the old man, Jim Vann.

Q You don't know who his wife was? A No, sir.

Q You didn't know any of the family, children? A No, sir.

Q Now, you applied to the Ke-n-Cliffon Commission, five years ago?

A Yes, sir.

Q Was not Uncle George Vann at that time a witness for you? A Yes, sir.

Q Were you present when he testified in your case? A I reckon I was.

Q He testified that he never saw you up until the year '60, didn't he? A No, sir, he could not do that.

Q Didn't he do that? A Not of my memory.

Q Do you remember? A I remember that he didn't testify that.

Q That he never saw you up until 1870? A No, sir, he could not say that.

Q Didn't you testify at that time that your people lived in Georgia?

A No, sir; no, sir.

Q Didn't you testify that you came here in '66 and stayed until 1868 and then went to Georgia? A No, sir.

Q Didn't you testify before the Commission in 1866 that you had only returned here about three years prior to that time from your trip to Georgia? A Don't remember that.

Q Isn't that a fact? A Don't remember that part of it; I never went to no Georgia, I can't remember telling you anything about no

Georgia.

Q What about your coming back to this country about three years before that Kerns-Clifton Commission sit: how long had you been here then, in the Cherokee Nation? A I had been here all the time excepting where I tell you I worked over in Fort Smith.

Q Now in '66 what sort of a house did the applicant, George Vann, live in? A I could not tell any more what kind of a house that was: it was a log house.

Q You lived with him? A Yes, sir.

Q It is the same place he is living now? A No, sir, he moved from there.

Q When you came back from South Carolina was he at the same place he is living now? A Yes, sir, that is right.

Q He is living right there now? A He is living up this side of the switch now.

Q That is where he was living when you came back from South Carolina

A I aint certain, I most forget.

Q You lived with him, didn't you? A Let me study.

By Commissioner Brackinridge:

Q Is he living now on the old Ben Johnson place? A No, sir.

Q Where is he living now? A He is living up at the place they call Dora, this side of the Cherokee strip.

Q How far is that from Fort Smith? A About seven miles I reckon.

By W. W. Hastings:

Q Now, how long has he been living there at the place he is living now? A I could not say.

Q Where was he living when you came back from South Carolina?

A There has been so much change about I have about forgot.

Q You lived with him? A I didn't live with him all the time.

Q A short time though? A I just could not tell and can't.

Q You knew where to find him? A I would find him there in the settlement.

Q He lived there in the settlement there ever since '66? A Yes, sir, that is where I always found him.

Q You know that? A Yes, sir.

Q Never been out? A I suppose he has been out like every other person.

HORACE S. NORMAN, called as a witness for Applicants and being sworn and examined by Commissioner C. R. Brackinridge, testified as follows:

Q Give your full name there? A Horace S. Norman.

Q How old are you? A I don't know exactly, I guess I mustbe about 45 I guess.

Q What is your postoffice? A Fort Gibson now.

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

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Were you a slave in the old times? A Yes, sir.

Q To whom did you belong? A Judge Brown.

A Give me his full name? A I don't know anything but Judge Brown, Jim Brown, that is what they called him, Judge Brown.

Q Was his given name Jim? A I don't know that; that is what my mother always called him.

Q Where did he live? A He lived up on Big Lee's Creek part of the time.

Q Where did he live when you belonged to him? A My mother was hired out.

Q Well in the old times did he live on Lee's Creek? A Yes, sir.

Q Is there where you lived during your childhood? A No, sir; I lived with mother, stayed with her, he hired her about to cook wherever he could get money for her.

Q Where were you during the war between the North and the South?

A I was with her here in the Cherokee Nation.

Q Were you with her in the Cherokee Nation during the whole of the time of the war? A Yes, sir.

Q From the beginning to the close of the war? A Why, she cooked in Fort Smith a little while, I suppose it must have been two or three months.

Q Otherwise you were with her in the Cherokee Nation? A All the time.

Q When was it she cooked in Fort Smith, do you know? A I could not tell what year it was.

Q Is your mother dead? A Oh, she is dead, yes, sir.

Q How long has she been dead? A She has been dead about ten or twelve years.

Q Give me your mother's name? A My mother was named Lucy Brown, called her Sarah sometimes, Lucy was her given name.

Q Where did your mother live at the time of her death? A She lived down in Sequoyah district.

Q What part of Sequoyah? A Up above Fort Smith, about six or seven miles.

Q Near what is called the Cherokee Switch? A No, sir, up above the river from Fort Smith up towards Wilson rock.

Q How long had she lived there at the time she died? A I could not tell you exactly how long, we moved from the Johnson farm up there, I guess it must have been four or five years.

Q You moved from the Johnson farm up there, four or five years before she died? A I come to Redland and stayed there a while.

Q By the Johnson farm did you mean the Ben Johnson farm? A Yes, sir.

Q That is what they call the old Ben Johnson farm? A Yes, sir.

Q How far is that from Fort Smith? A In sight of Fort Smith.

Q How long did your mother stay on the Johnson farm? A We didn't stay there very long, I could not tell you exactly.

Q Didn't live there very long? A Two or three years, somewhere along there.

Q What was before you came up to? A Redland, yes, sir.

Q Well then before that where did your mother live? A Stayed down here at Tabbers Falls, when the peace was declared we moved from there to the Johnson farm.

Q You lived on the Johnson farm more than once? A No, sir; did you understand me to say that when peace was made we lived on the Johnson farm?

Q No, sir. A You asked me where I was born and I said in the Cherokee Nation.

Q How far up the river is Redland from Fort Smith? A I don't know, it must be 15 or 18 miles.

Q How long did you live at Redland? A I don't know, how long, we lived there above Redland.

Q You lived just above Redland? A Yes, sir.

Q And you went from there to the Johnson farm? A Yes, sir.

Q When was it you went to Redland? A I could not tell you just exactly what year it was.

Q A few years before your mother's death? A More than that, a good deal more than that.

Q Was it ten years before your mother died? A It was not hardly that long.

Q How long did you live in the Johnson farm when you and your mother went up to Redland? A I don't know, I could not tell you exactly how long, I never took any track of the time.

Q Did you live as much as four or five years on the Johnson farm before you went to Redland? A No, sir, not that long.

Q You went from the Johnson farm to Redland? A Yes, sir.

Q Where did you live before you lived on the Johnson farm? A We stayed up here when peace was declared and went down here to the Johnson farm from Tabbers Falls.

Q Did you ever live on the Johnson farm more than once? A No, sir.

Q How long did you live on the Johnson farm? A I told you I could not tell you.

Q Did you live on it as much as five years? A I, don't know, I don't think we stayed there hardly that long.

Q Do you know George E. Vann? A Yes, sir.

Q When did you first remember meeting him? A Oh, my goodness, I could not tell you that, I have been knowing him ever since I was a little boy, I first saw him when we stayed down here at Webbers Falls.

Q And when was that? A I was a small boy then, I could not tell what time it was.

Q Was that during the war? A It must have been before the war, I was a small boy.

Q That is about as far back as you can recollect, when you saw him there? A Yes, sir.

Q That is where you saw him the first time? A Yes, sir.

Q Did he live there in that neighborhood? A He must of, I guess he did.

Q And have you known him along ever since that time? A Yes, sir.

Q Been seeing him frequently ever since that time? A Yes, sir.

Q Where was he living when you went down to the Johnson farm?

A When I went to the Johnson farm he was living there then.

Q What had you been when you were at Webbers Falls, what kind of work? A I done just like children do, I done nothing, I was too small.

Q You were not old enough to work? A No, sir.

Q How old were you when you went to the Johnson farm? A About ten or eleven years old I guess.

Q Do you know when George E. Vann left the Webbers Falls neighborhood and went down to the Johnson farm? A I don't recollect when he went there.

Q He was living down there when you went there? A Yes, sir, I see him a lot of times with soldiers.

Q During the war? A That is what they call them, soldiers, the only thing I noticed about them they were dressed different from anybody else and they had guns.

Q Did they have on blue uniforms? A Yes, sir, blue clothes.

Q That was while the war was going on? A Yes, sir, while the war was going on.

Examination continued by John P. Frazier, Attorney for Applicants:

Q You have always lived in the Cherokee Nation? A Yes, sir, I was out sometimes during the war, this has always been my home.

Q You would go away for a month or so at the time? A Yes, sir, I never moved away from the Cherokee Nation.

Q Do you know who owned George E. Vann at the time of the war?

A Jim Vann, so I have always been told.

Q Was he a Cherokee Indian? A Yes, sir.

Q You state that you saw George E. Vann frequently ever since 1866; do you mean you have seen him in the Cherokee Nation? A Yes, sir.

Cross-examination by Mr. V. W. Hastings:

Q You applied for enrollment yourself before the Kerns-Clifton Commission in 1896? A Yes, sir.

Q They didn't enroll you; were you enrolled or not? A I don't know.

Q Did you draw any stipend money? A Didn't draw any money.

Q You stated then that you lived in Pine Bluff, Arkansas? A No, sir, I never was at Pine Bluff.

Q You didn't state then that there was there you lived? A No, sir, I did not, you were the very man that questioned me yourself.

Q Your name is Kuras E. Korman? A Yes, sir.

Q You have six or eight children? A No, sir.

Q Do you know Charles Norman? A Yes, sir.

Q What kin is he to you? A That is my boy.

Q Legally? A Yes, sir.

Q Sora? A Yes, sir.

Q Charles? A Yes, sir.

Q Vally? A No, sir.

Q That is the same family? A Yes, sir, and I never give you that

... You didn't swear that that was the name of the family? A Yes, sir.

I didn't swear that; you tried to make me say so.

Q You knew the applicant, George Vann, during the war? A Yes, sir.

Q You saw him as a soldier? A I didn't say I saw him as a soldier, I said I saw him around the soldiers; I said I saw him around the soldiers frequently.

Q Was not he one of the soldiers? A I saw him frequently with the soldiers.

Q You remember him in particular? A Yes, sir, I do.

Q What circumstance makes you remember him and point him out to you as a boy? A My mother and him was cousins, so she always said and he said too.

Q You knew him in that way while you lived at Webbers Falls during the war, you and your mother? A We lived there in right at Webbers Falls, hired about.

Q With whom did she live there? A I don't know, who she lived with.

Q Don't know who she was working for, do you know any one she was working for? A I don't know.

Q Not a single person? A I don't know, I know she stayed there.

Q With whom was she living, you and she living immediately after the war and at the time you left the neighborhood and come down to the Ben Johnson place near Fort Smith? A Didn't live with anybody, staying in our own house there.

Q You don't know when she was working for at the time you started from there down? A No, sir, I don't know who she was working for.

Q Now, your father died before the war? A I don't know whether he did or not.

Q You never knew him after the war? A My father went off sometime, I don't know whether he died or not.

Q You never knew him after the war? A My father went off sometime I don't know whether he died or not.

Q You never saw him after the war? A Not after the war.

Q With whom did you live on the Johnson place when you went down there? A We stayed there in the house there, didn't stay with anybody at all, just got the house and stayed in a little log house.

Q Just you and your mother? A Well, she had other children, Hudson.

Q Was he older or younger than you? A He was older.

Q How much? A Two or three years.

Q Then you? A Yes, sir.

Q Whose place did you farm down there? A We didn't farm.

Q What did you do then during the first year? A Just worked about

anywhere could get work to do.

Q For whom did you and your mother, or any of you, work? A Just anywhere we could get to work.

Q Name some persons you worked for here in 1866? A I don't know.

Q Name some white person, or Cherokee, who was living there at the time? A There was not many white people in there.

Q Name some one? A I don't know.

Q Jim Vann was there was not he? A Yes, sir.

Q That was his former owner? A I saw a person can't study up all these things.

Q You knew he was there? A Certainly I do.

Q That was in 1866? A Yes, sir.

Q After peace? A Yes, sir.

Q His wife was there? A Yes, sir.

Q What was her name? A Her name was Nancy.

Q Jim Vann's wife? A Jim Vann's wife, I don't know what Jim Vann's wife was.

Q You don't know what her name was? A No, sir, I don't know what her name was.

Q What was George Vann's wife's name then, in '66? A I told you her name was Nancy.

Q Did he have any children at that time? A I don't know.

Q Do you remember those? A Yes, sir.

Q What were their names? A No, I don't know, John, Mary Jane and

I don't know as I.

Q Is that his present wife? A Oh no, his present wife now is named Mollie.

Q How long did that wife live, that wife that you knew in '66?

A I could not tell you exactly how long she lived.

Q You can remember no Cherokees down there other than his former owner, Jim Vann, when you knew George Vann down there after peace, that is all you can remember is it? A There was not anything down there.

Q You can remember that one in particular? A I say there were Indians down there of course.

Q You remember about his former owner in particular? A Jim Vann.

Q Yes? A I remember his name, of course.

Q You remember seeing him down there when you went down? A No, sir, I didn't say I seen him.

Q You didn't say that? A No, sir, I didn't say that.

Q Well, now, what other Cherokees did you see in the neighborhood?

A I never taken any particular notice of the Cherokees.

Q Is there any one that you can name? A I don't know particular, I will have to study about it, I never noticed anybody.

Q Now you lived there a short time and you went over from Redland, did you? A There was Harnage there.

Q It was not William Harnage was it? A I don't know, it might have been, I don't know his given name, I always heard him called harnage, I have seen him there.

Q Then you went down to Redland from there? A Yes, sir.

Q And you have lived at Redland ever since? A No, sir.

Q How long did you live down at Redland? A Oh, I don't know, I stayed there two or three years.

Q Then where did you go? A Moved from there down to the Wilson farm.

Q Are you living there now? A No, sir, I lived up here now.

Q Did you ever own a place down there? A Not there.

Q Did you ever make a place in Sequoyah district? A Yes, sir.

Q Where? A Not far from Vann's Place.

Q When? A I don't know what year it was in.

Q You don't know who your mother worked for down there in 1866 or '67, the first years after the war? A She was hired about.

Q But you don't know any of the people? A No, sir.

Examination continued by John F. Paulds:

Q You said that Jim Vann was living at Webbers Falls in 1866; did you mean what you said here a few moments ago, that Jim Vann was living down there? A You didn't understand me to say that Jim Vann was living there.

Q If you said Jim Vann you meant George Vann? A Yes, sir, that is where I first knew him.

By Commissioner Breckinridge:

Q What year was that? A I told you it was time of the war was going on.

Q Not after the war was closed? A I seen him down at Fort Smith down there at the Johnson farm, I seen him before that up here at Webbers Falls.

Q How long after the war was it before you went down to the Johnson farm? A Not long.

Q Well, a year or two years? A No, sir, my mother went down there in the government wagons, just like they have got here, and I reckon it must have been a soldier driving it, and we all boys they carried us along in the wagons.

By Mr. John F. Paulds:

Q Did I understand you to say that you saw George Vann off and on here during the war? A Yes, sir.

Q At the time the war was going on? A Yes, sir.



DEW M. WISDOM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Dew M. Wisdom.

Q What is your age? A 55.

Q What is your postoffice? A Muskogee.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first know him? A In 1882.

Q Do you know anything about his status as a Cherokee Freedman?

A No, sir; I came to Fort Smith in 1882 from Tennessee and stayed there and bought an interest in what is called at that time the Muskogee and Fort Smith Stage Line and I leased a stable on the Choctaw Reserve down there near Fort Smith and I met with old Uncle George there and hired him as a hostler to take care of our horses, that was in 1882.

By John F. Faulds:

Q He was living in the Cherokee Nation in 1880? A That is my understanding.

By Commissioner Breckinridge:

Q He worked for you in 1882 as a hostler? A Yes, sir, he worked about three months; Mr. Kinney who is living at Fort Smith we were partners, we owned the stage line, and I hired him to take care of our horses in Fort Smith, the stable was on the Choctaw Reserve; there is a little corner of the Choctaw Nation at that angle in there in Fort Smith.

Q Did George Vann live on the Arkansas side of the line or Indian Territory side of the line? A Indian Territory.

RACHEL BAKER, called as a witness for Applicant being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Rachel Baker.

Q How old are you? A Well I can't tell exactly.

Q About how old, as near as you can come to it? A I am about 65 I reckon.

Q What is your postoffice? A Benge.

Q In what district do you live? A In Benge, from here I live in Sequoyah district.

Q How long have you lived in the Cherokee Nation? A About lived here all my life only just in and out.

Q Were you born in the Cherokee Nation? A No, sir.

Q Where were you born? A I was born back in the old country, they brought me here.

Q Carolina? A No, sir, East Tennessee.

Q When did you come to the Cherokee Nation? A I can't tell you anything about that, I come when this was all a country; I can't tell anything at all about it.

Q Were you a slave in the old times? A Yes, sir; I guess I was.

Q When did you belong to in the old days? A I belonged to, I can't think of his name.

Q Forgotten all about him? A No, I ain't so glad, you know I was quite small and could not recollect anything and I never was taught up anything. A man come with me but I can't think of his name.

Q You don't remember to whom you belonged before the war? A No, sir.

Q Where did you live before the war broke out between the North and the South? A I was up here at the Salt works.

Q Where were the salt works? A Up here on the, I can't think of the creek, I was up there.

Q What were you doing? A I was just washing, doing about helping them cooking.

Q Who were you helping? A I was helping a man; there was a man there by the name of Drew, I worked about with him.

Q How long did you live there? A I stayed there nearly all the time until the war come up.

Q You had been there a good many years? A Yes, sir, most all.

war come up we all went out.

Q Was your father up there with you? A No, sir, I don't know my mother.

Q Was your father with you? A I don't know my father.

Q You don't know who claimed you as your master? A No, sir, and I didn't want to know only this man Drew.

Q When the war come up what did you do? A We went out.

Q Where did you go? A Out in the state and back around.

Q In what state? A Into Arkansas.

Q Whom did you there with? A I went out with the wagons.

Q Who was in charge of them? A I don't know who was in charge.

Q Were there mostly colored people? A Some of them colored and some of them white people.

Q Do you claim to be a Cherokee Freedman? A Yes, sir, that is what I always thought.

Q Well, when the war closed what did you do then? A When the war closed I stayed out there; they said "well the war is ended," and I come back.

Q Where were you then? A Up on some creek.

Q In Arkansas? A Yes, sir, and then we come back here to the Territory.

Q Who come back with you? A My husband.

Q How long have you had the name of Baker? A All my life.

Q You have always gone by that name? A Yes, sir.

Q What was your husband's name? A His name was Baker too.

Q Did you go by the name of Baker when you were a girl, before you were married? A Yes, sir, always went by the name of Baker, they always called me Rachel Baker.

Q You don't know whether it was in Arkansas you stayed during the war? A No, sir, just camped out and doing the best we could I reckon; if I could just study up I might name over some places.

Q Well, what were you doing over there? A Doing the best we could, trying to work and first one thing and then the other.

Q Did you marry over there? A So, sir.

Q Where did you marry? A I married up here at the works.

Q Married before you went to Arkansas? A Yes, sir.

Q How long had you been married when you went over to Arkansas?

A I went so, I had not been married long, my child was not born.

Q Your child was born after you went over to Arkansas? A Yes, sir.

Q How long did you stay in Arkansas? A Stayed there until after the surrender; they said it was four years after the surrender; me and my husband gathered up and worried back some way.

Q How did you happen to go to Arkansas; did the Union soldiers begin to come down? A Yes, sir and they got scared.

Q And you went away to Arkansas when the Confederates fell back and the Union soldiers came in? A Yes, sir.

Q How long do you consider you stayed in Arkansas, about four years?

A Yes, sir; stayed until the war was ended; stayed over there about a year I reckon and then come back.

Q Where did you go when you come back? A Down there in Port Smith and I come back up to the Territory; I don't know nothing and I worked for first one and then another.

Q You first landed at Port Smith? A Yes, sir.

Q How long were you unsettled here before you could get down to regular farming? A Well didn't do much but work around, I don't know much, no I don't know how long.

Q Where did you first locate here in the Cherokee Nation when you first come back? A Here, the Cherokee Nation.

Q Well, whereabout? A In the Pawnee bottom.

Q Did you and your husband take up some land? A Didn't take up nothing.

Q Just worked? A Yes, sir.

Q How long did you stay there in the Pawnee bottom? A Good while.

Q Well, year, or something like that? A Yes, sir; and then he get sick.

Q And then where did you go? A Sorter traveled.

Q Where did he go? A He went to Hot Springs for his health.

Q Hot Springs, Arkansas? A Yes, sir.

Q Did you go with him? A No, sir.

Q What did you do? A I just worked around.

Q You didn't go out yourself? A I didn't go out then, but he got bed and I went to stay with him and he died.

Q How long did he stay when he went off to travel for his health?

A Two or three years.

Q You all the time stayed in the Pappaw bottom? A Yes, and some-times I would go with him and then he got back.

Q How long did he live after he got back? A He never got back, he died at Hot Springs.

Q Did you go to him? A Yes, sir, I went to him as soon as I could.

Q Well then after his death, where did you live? A I stayed down there about two months; what little I had was here and I come back here.

Q Where was that? A Down here in Sequoyah District.

Q You never did apply to the Cherokee Nation for enrollment at no time? A No, sir.

Q You are on no roll at all of the Cherokee Nation? A No, sir.

Q And you never at any time applied? A No, sir.

Q You were living here five years ago? A Yes, sir.

Q And you have lived here in the Cherokee Nation ever since 1867?

A Yes, sir, been in and out ever since.

Q Yet you never did at no time apply for enrollment? A No, sir.

Q You don't know whom you belonged to before the war? A No, sir; I can't tell you.

Q Did you know any Cherokees that you saw before the war? A Yes, but then they are dead ones.

Q Name them? A Boldens and the old set of them and the old man Chickengourd and the old man Sterr and the old man Drake.

Q In what district were these salt works? A I don't know. They said it was here in the Nation, I could not tell you.

Q Was it these salt works near Coffeyville, Kansas? A I guess it was, it was up here on the Creeks.

Q Webbers Creek? A Yes, sir.

Q It is on Webbers Creek then? A Yes, sir.

Q That was about three miles from Coffeyville, Kansas, was not it?

A I reckon, that is what they say.

Q You know they used to go there and trade didn't they? A Yes, sir.

Q Do you remember going to the town? A Yes, sir.

Q You don't remember any Cherokees at all? A No, sir.

Q Many people work at the salt works? A Yes, sir.

Q Do you remember any colored people there except Mr. Vann?

A No, sir. He was the only one that I know.

Q He is the only man you know? A Yes, sir.

Q Are these called the Striking Salt works? A I don't know.

Q Do you know whether Striks was the man that owned them or not?

A I don't know.

Q What Cherokees did you see just after the war when you came back here? A I worked a while with old man Shakingourd; I worked a while and he died, he was living down here in Sequoyah.

Q Did you come back on this Valley train when you came back here after the war? A I come along, when I was coming on the wagon along.

Q I mean after the war when you came back? A No.

Q The trains were running on that road then? A They might have been running, but I didn't come back on them.

Q You saw the trains running along as you came along on the Valley road yourself when they run down through Sequoyah? A Yes, sir.

Q The railroad was there but you did not come on it? A Yes, sir.

Q That is what you want to say? A Yes, sir.

Q How long did you live at the salt works?

A I don't know.

Q A number of years? A Yes, sir, I don't know how long I was there  
 I was there a long time before I was big enough to do anything.  
 Q Where when you were too little to work? A I could not tell you.  
 Q When you went from there over to Arkansas during the war? A Yes, sir.  
 Q Was it George Vann up there all the time? A Yes, sir.  
 Q He was up there all the time was he? A Yes, sir.  
 Q You remember him there all the time do you? A Yes, sir.

By John V. Faulder:

Q Do you know John Williams, a white man, that has been here in  
 Fort Gibson since you have been here and has you here this morning?  
 A Yes, sir.  
 Q You know him? A Yes, sir.  
 Q Did he come to those salt works that you speak about while you  
 were working at the salt works? A While I was working there I saw him  
 Q those salt works you are speaking of, you saw him there? A Yes, sir.  
 Q Do you know where the Arkansas river is? A Yes, sir.  
 Q How far is this Robbins Falls from the Arkansas river? A Two or  
 three miles, I don't know.  
 Q That is the Robbins Falls you speak of where you saw George Vann,  
 is not it? A Yes, sir.  
 Q This salt works you speak of was right along to the Arkansas river  
 where you worked, in the Cherokee Nation? A Yes, sir.  
 Q In the Indian Territory? A Yes, sir.  
 Q Coffeyville, Kansas, you know where that is, that is over up  
 north they got you killed? A I don't know anything about Coffeyville  
 they said they would go.

By Commissioner Brackinridge:

Q You know the name of Coffeyville? A Yes, sir.  
 Q And you would go in there when you wanted to do some shopping?  
 A I never went in there much.  
 Q You know the name? A Yes, sir.  
 Q And you were often out after things and sometimes go there?  
 A Yes, sir.  
 Q And you know that Coffeyville was across the state line didn't  
 you? A No, sir.  
 Q Didn't know about that part of it? A No, sir.  
 Q Just remember the name? A Yes, sir.  
 Q How far was that from the salt works? A I don't know.  
 Q But the people often went there for trading? A Yes, sir, I don't  
 know anything about how far it is.  
 Q Would they go in the morning and come back in the afternoon?  
 A Some would go in the morning and come in the night.  
 Q Seemed to be a good day's ride? A Yes, sir.

JOHN WILLIAMS, called as a witness for the applicants, being  
 sworn and examined by Commissioner G. B. Brackinridge, testified as  
 follows:

Q Give me your full name? A John Williams.  
 Q How old are you? A I am 68 years old past.  
 Q What is your postoffice? A Fort Smith.  
 Q How long have you lived in Fort Smith? A Well, I have been  
 living permanently there since 1867. I was there before that.  
 Q When did you first come to Fort Smith? A I came there in 1842,  
 that is to stay any time.  
 Q And where did you come from? A I came from the Indian Territory  
 to the Territory here and then the Territory to Fort Smith.  
 Q How long did you stay in your home when you came there in 1867?  
 A I stayed there until 1868.  
 Q Where did you go after that?  
 A I went to the Territory and then to the Territory and then to the Territory.

stayed there, yes, sir.

Q How long did you stay there in 1865? A I stayed there a few months.

Q And then where did you go? A I went back to Missouri again.

Q How long did you stay up there? A I stayed up there until the Spring of '68.

Q Where did you go then? A Came back to Fort Smith.

Q How long did you stay at Fort Smith? A I stayed there, I have been there all the time, off and on ever since, that has been my home ever since that time, I haven't been there all the time.

Q When you went there in 1868, how long did you stay there continuously? A I was then buying cattle and traveling around in this country.

Q Making Fort Smith your headquarters? A Yes, sir.

Q Have you spent any considerable period of time away from Fort Smith? A About six or eight months.

Q Where were you away? A I was at Ozark, Crawford County, my home was at Fort Smith.

Q Were you frequently away from Fort Smith as much as those months at the time? A No, sir.

Q You were engaged in the cattle business? A Yes, sir.

Q How long did that continue? A Up until '70.

Q And you had occasion to go to different places during that time?

A Yes, sir.

Q Did you range out into the Indian Territory? A Yes, sir, after '70, I did.

Q Well, before '70? A I was backwards and forwards from Texas.

Q And to different places in Arkansas? A Yes, sir.

Q In prosecuting the stock business? A Yes, sir.

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

Q When did you first meet him? A I first met him in '69.

Q Where did you meet him in 1869? A At the salt works.

Q Where are these salt works? A Up close to Hubber's Falls.

Q What was he doing there? A He was helping to make salt.

Q Who had charge of the salt? A They were known as the John Drew salt works, I don't know.

Q Did you know anything about his whereabouts during the war?

A I did up to '62, he was in the lower part of the Territory, just down to Fort Smith, backwards and forwards.

Q And then you lost sight of him? A I went away then.

Q When did you see him again? A In '65.

Q Where did you see him? A At the mouth of the Grand river.

Q And did you have occasion to see him while you were engaged in the cattle business up until 1870? A I don't see him until in the fall of '66, I went to Texas and came back and met him again at the Falls in '68.

Q Well and then what did you see of him after that; have you any definite recollection as to when you saw him and where you saw him?

A No, sir, not until I come back from Missouri.

Q When was that? A I come back in '68.

Q What fixes him on your mind then? A He was in the hay camp then.

Q What was he doing? A Making hay.

Q That was in '68 you saw him? A Yes, sir.

Q Where was that, in the Cherokee Nation? A Yes, sir, about ten miles from Fort Smith.

Q And did you have occasion to see him after that?

A Not particular; he was always talking about religion and preaching when I did see him.

Q If you remember distinctly of meeting him at any particular periods after you had seen him at the hay camp? A I saw him every year or two, that is, I saw him occasionally after that.

Q How long after that? A In the winter time.

Q You have seen him frequently, as you would a man living close to you?

A Yes, sir, I have seen him frequently.

Q How long after that? A I have seen him frequently.

business and was traveling in through this country.

Q And then you would meet him frequently? A Yes, sir.

Q Previous to that how about meeting him? A Well, during the time I was gone I never met him at all. From '82 to '85.

Q I am talking about the period you saw him after '85? A I saw him frequently after that.

Q You saw him almost continuously? A I saw him on and off as I would see any other neighbor; he was always about.

Q And that continued on down to 1880? A Yes, sir.

Examination continued by John P. Paulis;

Q You say you became acquainted with Mr. Vann first in 1860?

A Yes, sir.

Q Do you remember where you met him? A At the salt works.

Q That was the salt works at Webbers Falls? A Down there somewhere.

Q In the Cherokee Nation, Indian Territory? A Yes, sir.

Q And you went away then sometimes when did you go away? A I went away in '82.

Q To Missouri; well now you say you met him at the Grand river, in what year? A Yes, sir.

Q What circumstance puts that on your memory? A He was still preaching; at was at the Falls river trying to preach and talking us about religion and I was there at the crossing of the Arkansas, he was there working when we crossed.

Q And then where did you go? A Down in Texas.

Q What were you doing in Texas? A I went down there in the Patent right and buying cattle also.

Q Did you bring cattle back with you? A Yes, sir.

Q How did you come to go to Webbers Falls in '66? A When I came back, we were camped on Elk creek to rest a few days.

Q Where is Elk Creek? A In the Creek Nation, somebody stole our work team of cattle and two horses; that left us so we could not travel.

Q That was in '66? A No, sir, '65.

Q And you say at Webbers Falls that time you saw George W. Vann?

A Yes, sir.

Q He was working there? A I don't know whether he was working there or not; I saw him in the store.

Q Where did you go then? A I went back to the road.

Q When did you come back to live in Fort Smith? A In the Spring of '66, early in the Spring.

Q And did you see Vann at that time? A I saw him, it must to have been about hay cutting time, they were getting hay on the prairie.

Q In the Cherokee Nation? A Yes, sir.

Q Well then when did you go to live in Fort Smith? A I had not been away from there but a few months then.

Q In '66? A Yes, sir, I was at Franklin County about six months in 1872.

Q With the exception of about six months in Franklin County you had resided continuously in Fort Smith? A Yes, sir.

Q When were you appointed a Marshal? A In 1870.

Q How long did you hold that position? A About 14 or 15 years.

Q You were a Deputy Marshal at Fort Smith? A Yes, sir.

Q And from 1866 to the present time you have frequently seen George W. Vann, the applicant, in the Cherokee Nation? A I always called it Pawnee Town.

Q That is the applicant in this case? A That is the man right there.

Q Now, do you remember seeing Rachel Baker at the salt works in the Cherokee Nation? A That was a young lady cooking, she resembled the same one.

Q The one that gave evidence here? A Yes, sir.

Q What was she doing there? A She was cooking.

Q In what year was that? A In 1860.

Q And you remember at the camp at the salt works at Webbers Falls in the Cherokee Nation? A Yes, but at Coffeyville, Kansas. A No, sir, down close to the Falls.

Q In the Cherokee Nation? A Yes, sir.

Q Now, in 1860 when you saw George Vann did you know who owned him at that time? A I don't know, but I know who was said to have owned him.

Q Who was said to have owned him? A He said Jimm Vann owned him.

Q A Cherokee Indian? A I don't know about that.

Q But he was said to have belonged to Jim Vann? A Yes, sir. cross-examination by W. W. Hastings.

Q Did you ever see Jim Vann? A I did.

Q Before the war? A No, sir.

Q After the war? A No, sir, during the war.

Q Where did you see him? A Saw him on Bird Creek.

Q Where was that? A Creek Nation.

Q When? A It was during the Fortiuhole fight.

Q What year was that? A That was in '61.

Q He was there was he? A Yes, sir, was they called Jim Vann.

Q What kind of a looking man was he? A He was reasonably white man.

Q White man? A Almost white.

Q About what age was he? A He appeared to be about 25 or 30 somewhere along there.

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

Q You only saw him the one time? A I saw him several times during the time we were camped there.

Q How far were these salt works from Webbers Falls and what direction? A They were right close to the Falls at John Drew's old place.

Q Well, about how far? A About a mile and a half or two miles back from the water like.

Q What direction from Webbers Falls? A South of there.

Q On the west side of the Arkansas river? A Yes, sir.

Q The town of Webbers Falls was then there? A There was only one or two stores there.

Q Did you remember any one else living there; who was keeping the store? A At the time I was getting salt I never come down as far as the town was, we only went to Drew's house.

Q What kind of a house did Drew have? A It was a one story house.

Q Frame or log? A It might have been weather boarded log house, it was a double log house, porch between them.

Q You don't know whether it was weather boarded or not? A It was a good house at that time.

Q Did he have a large farm? A Pretty large farm.

Q How far were these salt works from Drew's house? A About a mile and a half or two miles.

Q Do you remember any other Cherokee that was in that neighborhood at that time? A Yes, sir.

Q Name them? A There were the Drews, two or three or them.

Q Anybody else besides the Drews? A No, not in the immediate neighborhood.

Q Did you meet any other One-shoes at the salt works? A There were several full blooded Cherokees at the time.

Q Did you remember any one of them? A No, sir.

Q Who was foreman of the salt works? A I don't remember it now.

Q You bought salt from him? A Yes, sir.

Q Who did you buy salt from? A I went there and got the salt and give a one bill on the store.

Q What store? A Holmes' store.

Q That was at the Creek Agency at the time of the war? A Yes, sir.

Q But you don't know whom you would give these one-bills to? A No, sir.

Q You don't remember his name? A No, sir.

Q You were there a number of times? A I was there three different times.

Q Were any houses put up around these salt works? A All in camp there.

Q About how many colored people were there? A Several were there.

Q About how many? A Four, five or six.

Q Any more women except this woman you have identified? A Yes, there were several women, but she was the only one there at the time.

Q You identify her as being that woman? A I think she is the same woman, she had changed some since then.

Q Do you remember any other colored persons there that was there at the works prior to the war? A I would not know him excepting for his preaching faculties.

Q Did he have his wife there with him? A I didn't see her.

Q Did you hear him say anything about her? A No, sir.

Q What are you doing now? A I haven't been doing anything for a year or so, I have had the rheumatism; I have been keeping books at the saw mill.

Q You say you have lived in Fort Smith almost continuously since the war? A Yes, sir.

Q Now, when did you quit riding as a deputy marshal? A I quit when George Crump was Marshal.

Q How many years ago was that? A It has been about eight years.

Q Have you a family? A I have got two brothers.

Q Married? A Well I was, my wife got killed.

Q Are they living with you? A No, sir, one is in Colorado and the other is at Seneca.

Q Where do you make your home there in Fort Smith? A I am boarding there at Bridges Hotel.

Q Have you been doing anything since you were Marshal eight years ago? A Yes, sir.

Q What have you been doing? A Different occupations, I worked at the saw mill.

Q How long have you worked at the saw mill? A Four or five years off and on.

Q Where was the saw mill? A Up close to Powell, Indian Territory.

Q What else have you been doing? A Part of the time I have not been able to do anything, haven't been able to get around.

Q Do you know who he was living with in 1866; you didn't see his family, you would always see him at Fort Smith or over there in the hay camp? A No, sir.

Q Do you know who he was putting up that hay for? A I don't know.

Q Do you know who was boss of the camp? A Mike Wallace.

Q Mike is in the saloon business there? A He is in the grocery business.

Q He was boss of the camp that this man worked in? A He was boss of one camp, there were several cutting there on the Blackburn prairie.

Q Have you ever been tried for any offense? A Yes, sir.

Q What for? A I was charged at one time for stealing a hundred head of mules.

Q Have you been tried for anything else? A No, sir.

Q Have you ever been arrested any other time? A No, sir. They got the wrong man though.

Q Do you know J. Warren Reed? A Yes, sir.

Q Have you talked to him about this case? A No, sir.

Q You have not? ( nods "No." )

Q You never have? A Yes, I have talked to him about a case.

Q You never talked to him about this man, George W. Vann, about this case? A Yes, I have talked to him.

Q He is down here in town and you and others have talked to him about this case, you and the other witnesses? A I have talked to him.

Q Was not you present when other witnesses talked to him about it?

A No, sir.

Q Didn't you talk to him last night? A No, sir, didn't see him at all.

Q Did you talk to him this morning? A Yes, sir.

Q About this case? A Yes, sir.

Examination by John F. Paulds:

Q You say you were charged with stealing how many mules? A One hundred sixty head.

Q What because of that charge? A Well posted.

Q Why? A Because I was not the man.

Q Case of mistake? A Yes, sir.

Q You were speaking of Jim Vann being the owner of George W. Vann.



the applicant: was that the Jim Vann, the son of old Joe Vann, who was blown up on the steamboat? A I don't know about that.

Q Do you know that it was said that he was? A Yes, sir.

Q It was said that he was a son of old Joe Vann that was blown up on the steamboat on the Mississippi River? A Yes, sir.

Q You are a white man? A No, sir, Irishman.

Q Citizen of the United States? A Yes, sir.

Q You have no Freedman blood in you and no Indian blood?

A Not that I know of.

GEORGE W. VANN, the Applicant, re-called, testified as follows:

Examination by John F. Faulds:

Q Mr. Vann, I will ask you if you ever worked in any salt works in Coffeyville, Kansas, or any place in Kansas? A Never in my life.

Q Never worked in Kansas in your life? A No, sir.

By W. W. Hastings:

Q You said in your examination yesterday that you had charge of a church at Tablequah? A I did, sir.

Q When was that? A In '07, I told you that I had charge of a church at what we called Revolt, at Sneedtown, Nivens town, Fort Gibson, Four Mile Branch out here and one in Tablequah.

Q How long did you have charge of that church? A Rode that circuit there one session, then I went out and I next went to the Choctaw Nation at Scullville, and the next one at Sulphur Springs.

Q When did your owner, Jim Vann die? A Well, sir, I don't know, my understanding was that he died in Kansas after the Portliholah fight and died up there.

Q During the war? A Yes, sir.

Q Mrs. Brewer here was a sister of his, do you know her before the war? A Why yes, seed her here in Gibson.

Q Did you know her before the war? A Why yes; was not I under her, her, old Joe Vann's child.

Q Did Jim Vann have a woman down at the beginning of the war?

A I don't know, sir, whether he did, because six years I was hired to old Ben Johnson and never went in the family.

Q Did he have any when you left him the six years before the war?

A I don't remember, sir, because Jim Vann had my hired out and got all the money he could and get drunk.

Q You don't know anything about his family? A I knew him at Webbers Falls: Sallie Lavore was Jim Vann's youngest child; he hired me out and got the money and would get drunk.

Q How long did you work at these salt works? A I guess about two months there.

Q Who was in charge of them? A I don't know, sir.

Q Who were you under? A Well, there was a man there by the name of Crutchfield that always paid me for the work.

Q They always paid you and you sent it to your owner? A Yes, sir; well, no, sir; I never sent it to him only I would carry it to old Ben Johnson: I was hired to old Ben Johnson for \$200 that was owing and I was hired out and I would get \$20 a month.

Q What I understand from you, you were hired to Ben Johnson but was owned by Jim Vann? A Yes, sir.

Q You testified five years ago that you belonged to Dr. Fackett at that time? A Never in the world.

Q And was not Dr. Fackett here to testify the same thing? A No, sir.

Q Didn't you swear that you belonged to Jim Vann up to just about the war and that Jim Vann sold you to Dr. Fackett and didn't you have Dr. Fackett, who is now dead, to come up before the Kern-clifton commission in 1896 to swear that that was a fact? A No, sir; that is right about, I sent to Dr. Fackett; when he come to this country, old Jim Vann and his come and he got five hundred dollars in debt and then he come here old Joe Vann was about to kill him and I was his waiting boy and he had to call me back, he swore that I had five hundred

dollars interest in that nigger once" and Jim Vann had the note then when old Joe Vann come on the steamboat and found it out he was about to kill him.

Q About when was that? A I don't know. And I had to deny it and he had his tussel and I had seen him kill two or three and he said he would kill him; He said he would and he took it back and he said he would let him alone; I could go to Fort Smith and get the record where Dr. Tackett took me up; and what is in my duty because I want to Washington City in 1872 and sued for \$75,000 and sued and got it for the negroes; that is the reason they hate me and that is what they said that man passed me once when the Wallace roll went up.

By Mr. John F. Paulds:

Q That Jimm Vann who owned you was a Cherokee Indian? A He was.

Q And he was a son of old Joe Vann that was blown up on the steamboat on the Mississippi? A On the upper Mississippi, between St. Louis and the mouth of the Mississippi.

Q You say Jim Vann hired you out to a man by the name of Ben Johnson? A Yes, sir.

Q And you were working under the instruction and subject to Ben Johnson when you were at the salt works? A Yes, sir.

Q Jim Vann owed Ben Johnson an amount of money? A Yes, sir.

Q And he hired you out to Ben Johnson to pay for that debt? A He had a mortgage on me.

Q And you were paying off that debt due to your master while you were working at the salt works? A Yes, sir.

By W. W. Hastings:

Q When was that this dispute came up between you and Dr. Tackett when Joe Vann was present that you refer to in your testimony?

A It was after I emigrated from the old Nation.

Q Well, about how long before the war? A A good while before the war.

Q About how many years? A You have got to something I don't know.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four minor children and for the enrollment of six grandchildren, who are orphans and children of a deceased daughter; the applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. The testimony in this case has been voluminous and the applicant will now be listed for enrollment upon a doubtful card for further consideration.

The applicant's wife is not identified upon any roll, but she will be listed with him as a Cherokee Freedman on a doubtful card.

Of the four minor children applied for, one is found to be of age, and the application is only continued for three, viz; Harrison, John and Julia Vann. These children are respectively 19, 14 and 15 years of age and are said to be the children of the applicant's present wife. They are not identified upon either the Kern-Clifton roll, or upon the census roll of 1896. They are said to be living at this time and they will be listed for enrollment upon a doubtful card as Cherokee Freedmen. It should be noted that the mother of these children is said to be a Creek woman and the Creek roll should be examined before a final decision is reached with reference to the applicant's wife, the mother of these children, now known as Mary J. Vann.

The six grandchildren named in the testimony, John, Richard, Thomas, Harrison, James and Peter Vann, are said to be living and to be the children of the applicant's deceased daughter, Lucy. The mother of these children would be about 45 years of age if living now and is said to have died some five years ago. She is not identified upon any roll of the

Cherokee. The children are old enough to be upon the Kern-Clifton roll and the census roll of 1896, but they are not identified upon either of said rolls. They will now be listed for enrollment as Cherokee Freedmen upon a doubtful card.

Reference is made to Commission case No. 257, page 44, Docket A, showing that George W. Vann, et al., applied to the Daves Commission for admission to Cherokee citizenship September 7th, 1896; that the application was denied and no appeal was taken therefrom. At present it cannot be determined whether this is the George W. Vann in question, but the case will be examined at the proper time through the original documents.

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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 23rd day of April, 1901.

Signed, T. B. Needles,  
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly copied the foregoing, and that the same is a true copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this January 3, 1902



Commissioner.

Supplemental Freed. D-115.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

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

Joseph W. Bowers, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A Joseph W. Bowers.

Q How old are you? A 62 years old.

Q What is your post-office? A Muldrow.

Q In what district do you live? A Sequoyah.

Examined by W.W. Hastings, Cherokee Representative-  
Q Mr. Bowers, how long have you lived in Sequoyah District? A  
Thirty-three years last March, 1867.

Q Where did you locate when you first came there in 1822? A On  
the bank of the river a short time.

Q On the bank of the Arkansas river? A Yes sir.

Q Not far from Fort Smith? A Just opposite, across the river.

Q Where have you lived ever since? A Right in - well, I lived  
four miles above there in the bottoms for five years. I lived  
during that spring and summer and until fall about a half mile  
above the river in the bottoms on the Cherokee side.

Q Well, since that time, have you lived in about that same place?  
A Yes, within twelve or thirteen miles of Fort Smith.

Q You have lived on the Cherokee side ever since? A Yes sir,  
Cherokee side ever since.

Q The first year after the war you lived nearer to Fort Smith  
that you live now? A Yes sir.

Q You live farther from Fort Smith now than you ever lived? A  
Yes sir.

Q What did you do the first years after the war? A '55 was the  
first after the war.

Q The first year after the war in the Cherokee Nation? A I  
farmed, and then there was a posse of deputy marshals and I was a  
deputy marshal in '55 and '56.

Q You kept a kind of boarding house or stage stand? A That was  
nine miles above from Fort Smith on Fort Gibson and Fort Smith  
wagon road.

Q You were pretty well acquainted with the people around in that  
country? A Yes sir.

Q Well acquainted with them yet? A Yes sir.

Q I believe you are postmaster at Muldrow? A Yes sir; at Camp  
Creek eleven years.

Q How far is that from Fort Smith? A Nine miles west on the  
Cherokee side, on the wagon road to Fort Gibson and Muskogee, and  
I was postmaster at Muldrow under Harrison administration and under  
McKinley's administration four years.

Q You know this applicant, George W. Vann? A Yes sir.

Q Now, Mr. Bowers, how long have you known him? A About the  
first time I met him at the river opposite Fort Smith in '77 or '78;  
I don't remember what year; about that time.

Q Did you ever see or hear of him before that time? A No sir; I  
heard of him in the tale of the Compton and Baxten campaign; that  
wasn't his name; they called him Reverend some one who made a speech  
at Fort Smith; I heard of him; that was the first time I saw him.

Q You hadn't seen him around in that section of the country?  
A No sir.

Q Where had you heard of him being before that? A I heard he  
came from Little Rock up there.

Q You never heard of his being over in the nation prior to that  
time? A No sir, I never heard of that.

Q You never saw him over there prior to that time? A No sir, I knew every man in the country at that time, thirty years ago, 35 years ago, white men and black men and Indian.

Q You think you would be safe in saying he wasn't there? A If he had been there prior to '37 or '8, I certainly would have got acquainted with him.

Q Was the country poorly settled at that time? A No sir, there wasn't a dozen white men in that part of the country thirty years ago and very few people, and there were but few colored people there and they were Cherokee Freedmen, every one of them.

Q Were you present when Mr. Vann made his application before the Clifton Commission, five years ago? A Yes sir.

Q Do you remember whether he admitted that his name was George W. McKamy under oath or not? A He said his name was George W. Vann,

Q When he was asked the question whether he ever went by the name of George W. McKamy, did he state it or deny it? A He said that wasn't his name.

Q Do you remember whether he was asked at that time whether he ever lived in Little Rock or Argenta? A No, I don't remember.

Q Do you remember whether he was asked if he was ever in Chattanooga, Tennessee? A I remember that.

Q Did he admit or deny it? A I don't know what answer he made; I know he was asked that.

Examination by J.P. Paulds, Attorney for Applicant:

Q You know whether or not George W. Vann was a Constable at Argenta, and that his name was George W. McKamy? A I don't know anything about that.

Q Now, you say that you lived in Fort Smith right after the war? A Yes sir, I worked for the government there in '12 '86 and part of '87.

Q And you lived there up until when? A Until '87; March, '87.

Q That was the first time you ever lived in Fort Smith? A I was there in the war time as a soldier.

Q And then '87, where did you go? A To the Cherokee Nation. By the Arkansas River? A Right opposite Fort Smith.

Q And you have lived there how long? A Ever since.

Q What are you doing down there? A Farming most of the time.

Q Are you a citizen of the Cherokee Nation? A I was for a number of years and then I married a white woman. I claim citizenship yet.

Q But you were a citizen for a long time by adoption? A Yes sir.

Q You say you knew every man down in that country? A I did 25 years ago.

Q Well, suppose a man worked down there for three or four months and then he off and went around Fort Gibson or Choctaw Nation for some time, are you sure that you would know, you would be aware of that fact that he had worked there three or four months or a few weeks? A There didn't many people come there to work; I think I would have known it.

Q When you undertake to say that every man that came there to work three or four months, you would have known him? A I think I would have known him.

Q Give us the names of some of them? I couldn't give you no names; I don't know of any one coming down there. A colored man from the states wouldn't come over there. They were afraid to come there, it was too rough, too much trouble.

Q How long did it continue that way? A From '72 to '74, '85 or '86.

Q Well, you are speaking up until when, before when, up to when? A From '87 up to '85.

Q Then you undertake to swear here that you know every man that lived in that country and knew every man that worked in that country? A Can't prove, near missing.

Q Wherever there was a stranger down in that country they knew him in a few days? A They knew they had that? A That was

- there wasn't twenty white people in that country.
- Q If they come within ten miles of you and worked two weeks then you would have known him? A I couldn't say, yea, two weeks.
- Q Well a month? A I think so.
- Q Would you, keep track of them by putting their names on a book? A I would just remember; we had public workings at that time; people were poor, and they were horse racing, and people would congregate there.
- Q Way back thirty years ago, you can remember every man that lived there; the name of every man that lived there and worked there? A Yes sir, in that part of the country.
- Q About for forty miles? A I wouldn't say that; I knew every white man in Sequoyah District Cherokee and what few white people that lived there.
- Q There weren't any poor niggers lived there? A I know every one within fifteen or twenty miles in that district. A I knew all the colored people in that district.
- Q Did you know all the little nigger children five or six years old? A No sir.
- Q How old did they have to be? A Just the grown people.
- Q How many years have you known George W. Vann? A I don't remember the year, between '77 and '78 the first time; I don't know what year it was. I met him out on the landing.
- Q Have you ever seen him before that? A No sir, never seen him before.
- Q Do you know of him buying any farms down there in 1879 or 1880? A I don't know; he settled down there in the bottom three or four miles from the landing. He settled there; I don't know whether he bought any. I was back in there once with a sheriff two or three time where he lived.
- Q Did you say you were a deputy marshal at Fort Smith? A I was deputy marshal of the United States Court.
- Q How long? A Five or six years.
- Q When was that? A I was one of the posse in '68 and '9 under a man named Kessler, and then I got a commission in '69 or '70; I had a commission until '75, I think it was, under the different marshals there, I had a special commission in 1868 from White; that was the first commission I had.
- Q Now, do you know anything about a farm that went by the name of the Sheppard farm that Vann bought in sixty some time? A I know the Sheppard farm; I don't know that he bought it.
- Q Will you swear that he didn't buy it? A It wasn't owned by anybody but the Sheppard's then; I think it was owned by some of the Bell's; I know the Sheppard place.
- Q You don't know about the fact that he bought that place in sixty some time? A I don't know. I was within a mile of the Sheppard's place. I never heard of him owning that place; he lived three or four miles in the bottom.
- Q You are living at Lubron now, are you? A Yes sir.
- Q You know who owns that Sheppard farm now? A I believe it belongs to Payne Brothers. I think it does, I am not certain.
- Q Who did they buy it from? A I don't know.
- Q Don't you know they bought it from George W. Vann? A No sir, I don't know that; they bought a place further back before that they bought from him; I know they got one place from him; they bought it back from Sheppard.
- Q I understand that you swear that at that time for years and years you knew every nigger in that country down there? A In that bottom I did.
- Q No matter whether he only stayed a month or two? A There wasn't any stray darkies come over; they were afraid, you couldn't hire them to come over; you couldn't hire a white man to come over there.
- Q Were they afraid of you? A No sir.
- Q Did you ever kill any of them? A No sir.

Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Joseph Bruner.  
 Q How old are you? A I am going on 65.  
 Q What is your post-office? A Benge.  
 Q In what district do you live? A Georgetown.  
 Examined by W. Hastings, Cherokee Representative.

Q Mr. Bruner, when you were first old enough to remember, where did you reside? A In Canadian District.  
 Q With whom did you live then? A Joe Vann and his wife Jennie.  
 Q Joe Vann? A Yes sir.  
 Q Is he the same Joe Vann that was known as Rich Joe Vann? A Yes sir.  
 Q The one that was blown up on the steamboat? A Yes, sir, blown up on the steamboat.  
 Q Did he have a son named Jim Vann? A Yes sir, the eldest child.  
 Q Did you know the family well? A Yes sir, all of them.  
 Q Name some of the sons of Joe Vann's children? A John, Mary, Webster, Jane and Doc and Henry was the woman's children, that was Jennie's children.  
 Q Do you know Jim Vann well? A Yes sir.  
 Q Did he have a wife? A Yes sir.  
 Q What was her name? A Alminta Ross.  
 Q Did they have children? A Yes sir.  
 Q What was their names? A Fanny Vann.  
 Q Whodid she marry? A Floren Cash.  
 Q This Merchant here in town? A Yes sir.

Q You knew the family well? A Yes sir.  
 Q Did you know the colored people that belonged to the Vann family? A Yes sir; that is I knew they went off the place the time the slaves was divided, and I knew three that was turned over to them, a man and his wife and a nurse girl of Ross.  
 Q Did old Joe Vann have a slave by the name of George Vann? A Yes sir, he had one by the name of George.  
 Q Now, did he have more than one by the name of George? A Not more than one.

Q Now, I believe you say you knew Joe Vann when he died? A I did.  
 Q To whom did this slave George descend? A Delilah Vann when the slaves was divided, she drew him.  
 Q Do you know what Delilah Vann's name is now? A She married Perry Brewer.  
 Q How is she alive now in Canadian District? A Yes sir.

Q Did Jim Vann have a slave by the name of George Vann after his father's death? A Not that I ever knew or seen of.  
 Q Now, what became of this George Vann that once belonged to old Joe Vann and descended to Delilah Vann now Brewer? A He got drowned at Fort Scott; I pulled him out of the river with a hook; I was the first man that put his hand on him; he is buried on the side of the Watauga River.  
 Q Where was that? A Near Fort Scott. That was along in the spring of '65, if I am not mistaken.

Q During the war? A Yes sir, during the war. He had been to see his wife, Alminta Whitson; she lived on Hill Creek.  
 Q You knew his wife? A Yes sir.  
 Q Did this George Vann have a brother named Deliah Vann? A Yes sir, and one child named Jim.  
 Q Did you know Ben Johnson that used to live near Fort Smith? A I knew him.

Q Did you know his children? A Yes sir.  
 Q Did you know his slaves? A I knew all the young boys and one man they called Joe and a woman they call Jennie Ross's mother now.  
 Q Do you remember her name? A Jennie.  
 Q Is she alive? A Yes sir.  
 Q Where does she live? A In the town of Benge.

Q Do you know this applicant who goes by the name of George Vann?  
A Yes sir.

Q How long have you known him? A Right at fifteen years; maybe a little over.

Q Did you know him before the war? A No sir.

Q Did he at the time of Joe Vann's death belong to him? A No sir.

Q Did he belong to Jim Vann before the war? A No sir.

Q Was he in the custody or working for Ben Johnson before?

A I never saw him on Ben Johnson's place.

Q You knew Jim Vann's colored people? A No sir, he didn't belong to Jim Vann; I knew them.

Q You know whether or not Jim Vann ever lived in Fort Gibson here before the war? A No sir, he never lived here.

Q Where did he live? A Webbers Falls and Park Hill in Canadian District.

Q Webbers Falls is below here? A Yes sir.

Q And Park Hill near Tahlequah? A Yes sir.

Examined by J.F. Paulds, Attorney for Applicant:

Q You say you knew old Joe Vann who was blown up on the steel boat?

A Yes sir, that was my master from Tennessee.

Q He was a rich man, was he? A Yes sir, so called.

Q He had from two up to four hundred slaves? A No sir, never was asserted that way.

Q Can you tell me exactly how many slaves he had? A No sir, not exactly.

Q Can you swear positively that he didn't have two hundred slaves at least? A Yes sir, and only the truth.

Q Did you count them? A No sir, I never counted them.

Q How do you know? A I knew the families of the old folks.

Q Well, he had over one hundred slaves? A Yes, he had over a hundred.

Q And may be two hundred? A No sir, I want to say two hundred.

Q You can't swear he didn't have two hundred? A He didn't have two hundred.

Q Did he have 175? A He never had in the neighborhood of 175, back this side of it.

Q Can you swear he didn't have 175? A I know the families.

Q I didn't ask you that, didn't Joe Vann own 175? A He might have had; he had two places. I would rather think he didn't have them.

Q But you will safely say he had 125 or 150? A I would safely say 150 or a great deal smaller.

Q And he had two places did he? A Yes sir.

Q How far were they apart? A Between three and two and a half miles apart.

Q Your name is Joe? A Yes sir.

Q Did he only have one man by the name of Joe, or did he have several Joes? A He had several Joes; I knew them all.

Q Were them over? A One an African man was named Joe.

Q Joe what? A Joe Vann they might have called him; that is the slaves went by the master's name.

Q Go on? A And then he had a grandson by the name of Joe, Betty's son, and myself.

Q Just the three? A Yes sir.

Q How many Johns did he have? A One John.

Q Just the one John? A Yes sir, just one John.

Q Are you sure? A There was a John and a Johnson.

Q Only one John? A Yes sir, only one John; his son John and a colored man John.

Q There were two? A One John and a slave.

Q How many Sams did he have? A Two Sams.

Q How many Henrys? A He had two Henrys with his son his child.

Q Then he only had one Sam? A Yes sir, that is all I ever saw.

Q How many Bills of Williams did he have? A He had one.

Q Just the one? How many more? A Of course, I'm swearing to that.



- Q How you get three Joes, one John, two Bams and one Henry, and one William? A Yes sir.
- Q That is eight? A Yes sir.
- Q Give me the names of all the others he had? A I told you I could tell the families; but as for the others, I could tell the families.
- Q Can you give me the names of any others he owned? A Yes sir.
- Q How many can you give me? A I expect I can give you fifteen or twenty of the old folks.
- Q Can't you give me any more than fifteen or twenty? A I can give you the heads of the families.
- Q Well, now, they had three Joes and only one George, you will swear to that? A Yes sir.
- Q Out of 150, he only had one George? A That is all the George he ever had on the place.
- Q Are you sure of that? A That is all.
- Q On both places? A He never had any George on Polly's place.
- Q You line Sheep George? A Never was there.
- Q Wasn't he called Horse George? A He was a race rider; they called him George.
- Q Didn't you know Hog George? A He wasn't there; I never heard it.
- Q Did you know Sheep John? A I never saw Sheep John; I knowed him, but he wasn't there.
- Q How many Jims were there? A There were two Jims.
- Q Were there any Dicks? A Yes, there was one Dick there.
- Q Just the one? A That is all I know; that was a nickname.
- Q And this George Varn that you know was drowned? A He was drowned.
- Q And you pulled him out? A Yes sir.
- Q Did you see him go in? A I didn't see him go in the river; I pulled him out. I was out at the Diamond Hotel working as a porter and they told me he was drowned.
- Q And you buried him six feet under the ground? A I don't know; I never measured the distance; I know he was buried.
- Q For your citizenship is disputed, isn't it? A That's what they said it was.
- Q Your name is not on the 1860 roll? A No sir.
- Q But you claim it ought to have been? A It ought to be on all the rolls.
- Q You are trying to get on the rolls now? A That's what I come here for.
- Q Well now, you were arrested down here at Fort Smith for peddling whiskey or having whiskey? A Of course, I was; I don't deny that.
- Q On the Bank of the River? A I wasn't arrested on the bank of the river.
- Q Well, where? A If anybody knows where, let them say.
- Q I have a right to ask you where? A On the Sand bar.
- Q Who was with you? A By myself.
- Q Wasn't there a George Varn with you when you were arrested? A No sir, George is dead and buried down there at Fort Scott.
- Q Well, you went out on a scout didn't you, you went away after your arrest? A I stayed around, from the territory back and forward; I went to Kansas.
- Q Stayed five or six years in Kansas? A No sir, I didn't.
- Q Wasn't that the reason they wouldn't enroll you? A No sir, they enrolled me before. I was enrolled before Wallace; that was the first chance the people had to be enrolled by; Wallace enrolled me.
- Q You broke jail at that time? A Yes sir, I got out of jail.
- Q At Van Buren? A Yes sir.
- Q They never did get you again? A I went to the nation, they never did get me on the whiskey.

- Q They let you go? A Yes sir.  
Q You were arrested again, weren't you? A Where at?  
Q Not long ago? A Yes sir.  
Q And you were charged with perjury? A Yes sir.  
Q Tried before the Commissioner; the Commissioner had an investigation over it? A Yes, sir, at Sallisaw.  
Q And you were sent to Muskogee to await the action of the grand jury at Wagoner? A Yes sir, they turned me loose.  
Q And the grand jury ignored the bill? A They turned me loose; I don't know what they done.  
Q You swore you were a witness in the trial of Aleck Martin charged with murder? A Yes sir.  
Q And you swore that Aleck Martin was at home the night of the murder? A Yes sir.  
Q And that was the reason they had you charged in the trial with perjury? A Yes sir.  
Q And that is the reason they convicted you? A No sir, they didn't.  
Q Now is it that your name is Joe Bruner and not Joe Vann?  
A Joe Bruner is my father and Joe Vann is not my father.  
Q Is your name Joe Bright? A No sir.  
Q Did you ever go by that name? A I taken my father's name; he is a Creek turkey.

Examined by W. V. ... Cherokee Representative.

- Q I believe you say the grand jury discharged you on the perjury charge? A I never went before them; they came to the door and told me to go on home.

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

(signed) E. S. Rothenberger.

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

(signed) C. R. Breckinridge,

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, N.T., April 30, 1902.

In the matter of the application of George W. Vann for the enrollment of himself, et al as Cherokee Freedmen.  
Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name please? A Joseph Bruner.
- Q You were examined this forenoon in the George W. Vann case?
- A Yes sir.
- Q You stated that you had belonged to Joseph Vann, the one who is stated to have been blown up in a steamboat? A Yes sir.
- Q That's the Joseph Vann that was blown up in a steamboat on the Mississippi River? A They tell me it was Louisville, Kentucky.
- Q It was off east there some place? A Yes sir.
- Q Then when that Joseph Vann died you belonged to a son of his?
- A Yes sir, his family.
- Q He had a son named Jim? A Yes sir, oldest child.
- Q And you were personally acquainted with all the slaves that lived on the plantation there, that belonged to Joseph Vann?
- A The old heads I was, and a good many of the children.
- Q But you knew all the grown up men and women that had families?
- A Yes sir.
- Q Now you testified this forenoon that the Joe Vann family did not own any slaves named George except one who was drowned by up here opposite Ft. Scott? A Yes sir.
- Q But I believe the question wasn't asked you directly as to whether you knew this applicant here, who calls himself George Vann, did you know him by any other name? A Yes sir.
- Q Did you know this man here, George Vann, who calls himself George Vann? A I know him now.
- Q But did you ever know him before the war? A I never knowed him before the war.
- Q You never knew him as being a slave of the Joe Vann family under any name? A Not any name, no name whatever.
- Q When did you first know him? A 15 years ago.
- Q That was the first knowledge you had of this individual under any name at all? A Yes sir, I called his attention to me; I come out of Orffendorfer's store, and I says, parson, and he stopped and looked around; says I: your name is Parson Vann? A He says, Yes. I says, what Vann did you belong to, and he says, I belonged to Joe Vann, that big Indian that owned the Lucy Walker steamboat.
- Q I says I am by the stock of Vann negroes and says I don't recollect you, and says that certainly I did, and turns around deliberately and walks away from me and I had no more questions.
- Examined by attorney for applicant, J. J. Paulds:
- Q Your understanding is that this steamboat was blown up at Louisville, Kentucky? A Yes sir, that's what I always understood.
- Q Not on the upper Mississippi? A I don't know whether it was on the upper or where it was; I have never been there.
- Q That's your understanding, that it was Louisville, Kentucky? A Yes, sir.
- Q You talk to Jim Vann? A I never talk to Jim Vann.
- Q Then you never was a slave of Jim Vann? A I was of the family he was a son of Joe Vann; I was in the family.
- Q When Joe Vann died were all the slaves divided up among his children? A Slaves were divided up, but it was four or five years after.
- Q Where were you given to? A I was given to Jim Vann.
- Q Where does Jim live? A I have never seen him since, but he lives north of the Illinois. It was called the Big Grigg's place.
- Q How far from the river? A It was about four miles out of town.

- Q That's where Sallie Vann lived? A With her mother.
- Q She was your owner? A She was my owner.
- Q How many slaves did she own? A She had an old man Joe and his wife and Jess and Sallie, Jeff, Lydia, and one that they called Angelina, for her part.
- Q And you never did belong to Jim Vann? A I belonged to him before the estate was divided.
- Q You were never his individual nigger? A I never was; only just with his father; I called him Faren Jim of course; he was Joe Vann's child and everything of that kind, but as for personally belonging to him I belonged just as much to one as the other.
- Q Did Layfield get some of these same negroes? A Yes sir, a good lot of them.
- Q You know how many? A He got Patsy and Lucinda with their four children, and there was John Larnage and him both got some of the darkies, and there was a Pat, Phillis' daughter, she went away.
- Q Well, how long did Jim Vann live after there was a division of the darkies, the slaves? A He lived until the Rebellion here.
- Q How long before that were the slaves divided? A Between four and five years after Joe Vann's decease the slaves were divided.
- Q That was how many years before Jim Vann's decease the slaves were divided? A No reply.
- Q When did Jim Vann die? A Died time of the war; he died in Kansas.
- Q Have you got any idea now as to how many years it was before Jim Vann died that these slaves were divided, six or seven years? A Longer than that.
- Q Ten years? A Before he died?
- Q Yes. A When the slaves was divided it was about in '45 or '47 maybe 8, along in there when the slaves was divided; I am pretty positive of that.
- Q That would be about 15 years before the war began? A Jim Vann died during the war, it must have been 16 or 17 years before Jim Vann died that the slaves were divided? A They was divided directly after them two high waters.
- Q About how old were you then? A I might have been eight or nine years old when the slaves were divided.
- Q It must have puzzled your brain to keep track of these negroes during all this time? A I was a little boy and had nothing to do, and Jim Vann was able to feed me and I had been knowing them all.
- Q That's all you know, the little ones? A And the old ones.
- Q You were only eight or nine years of age when the slaves were divided? A I might have been that age; might have been older.
- Q You might have been six or seven? A I think I was about seven years old when the boat blew up I think I was older than that when the slaves were divided.
- Q You told me awhile ago that the slaves were divided up about five years after Joe Vann died? A Well of course.
- Q Well if you were six or seven years old, that would make you about 12? A Well, I said, I might have been; I was there all the time, went around with him in the horse lots and all them, - my mother was a cook with him, and I certainly did know.
- Q How old were you when Joe Vann came to this country? A When Joe Vann came to this country I come on the keel boat with him; my mother was at his cook with him, and I come on the keel boat; I was walking when I come to this country.
- Q Just able to walk? A I haven't got any great recollection about that, but I was walking.
- Q Three or four years old? A I would be ashamed of myself if it took me three or four years to walk.
- Q You remember when you first walked? A No, I don't.
- Q Didn't you come on the steamboat? A No, I didn't.
- Q How did you come? A I come on Vann's boat, but it was a keel boat.
- Q Well then, necessary people were these slaves divided during in 1845? A I never remember them, how many there was; I never

It asserted how many there was; I know how many children drew.  
Q And all the names of the children? A Dave Vann and Sallie and William and Sophia and Johnson; them was Polly's children.  
Q Th. Johnnie, Delila, Henry; them was Jennie's children that was living.

Q I nobody else got any slaves except those you have mentioned?  
A Yes sir, negro traders some and bought some.

Q I am not talking about the slaves he sold, but the slaves that were divided among Joe Vann's heirs? A Their mother's crew.

Q Whose mothers? A Them children's mothers.

Q I say you have mentioned all of them that got a share of the slaves? A Yes sir.

Q And you have kept track ever since 1840 of all the slaves that every one of those heirs drew? A I never kept no track of it, but I know.

Q How you must have kept track of it if you know? A I can recollect what children drew darkies on the place; I was living.

Q 125 or 150 of them? A Jim Vann himself got considerable of none and of them darkies before the estate was divided, and when the estate was divided he was in California, but he drew a child's part.

Q Jim Vann was pretty much in debt? A Joe Vann was, so they said, but Jim wasn't.

Q Didn't Jim drink? A Yes sir.

Q He is always pretty hard up? A I don't know that.

Q Didn't he ever hire his negroes out? A None that I know of; when he got hold of them he carried them off and sold them.

Q He didn't hire any one? A Not that I know of.

Q You would know? A Of course I would; he never hired none at all.

Q And none of the other children hired them out? A Not before they was divided.

Q Well, after that was divided? A I never kept track of them, I was off with Sallie after she married you; she staid at her mother's until she married you.

Q You just kept track of Jim Vann's slaves? A I know what he had when I left the family.

Q Why don't you know what the others had? A They had their slaves.

Q Why is it you know how many Jim Vann had, if you don't know how many Jim Vann had? A I tell you I know how many they had, just like I know what my mistress had up at the time.

Q You know how they were divided, what this one got and what that one got; you have remembered it ever since? A I was in the country and saw the whole thing; I know who divided them.

Q How many of those slaves can you name over now of all those slaves, 125, 150 or maybe 200? A I can name over a good many of them.

Objection by Charlotte Representative, James W. Sawspert, on ground that all of this has been gone over.

Q There were all the slaves when the boat was blown up? A Every one was on the place except 20 or 30, that were with Joe Vann.

Q And they were blown up? A They were blown up on the boat with Joe Vann; there were not any of them hired out.

Q There was his room house then? A They were there on the place, what were not dead.

Q Well now, you were a slave yourself, and you ought to know what was usually done in those days; wasn't it a thing of frequent occurrence for an owner to hire out his slaves? Wasn't it customary there for them to hire out their slaves? A I don't know, what it was with the other people, but it wasn't with Joe Vann.

Q You don't know anything about any other people but Joe Vann? A I know other people.

Q For much are you getting to testify about?

Attorneys for the Charlotte ladies object to the question.

Attorney for the Charlotte ladies, W. W. Hastings;

Mr. Hastings, state what fees you are giving here every day? Hastings: Two dollars a day and mileage. That two dollars a day is discounted.

Examination of witness continued by attorney J. P. Bullock:  
Q You are getting two dollars a day here as a witness, and your expenses and your mileage; you get mileage there and back and two dollars a day, that's it? A I suppose so; it has never been told me.

HARTWELL W. HOUSTON, being sworn and examined by Commissioner Breckinridge, testifies as follows:

Q Give me your full name? A Hartwell W. Houston,

Q How old are you? A I am 67 years old.

Q What is your post-office? A Ford Smith, Arkansas.  
Q Do you live in St. Withtop in the Cherokee Nation? A I live in the Cherokee Nation half of the time or over half of the time, but I am an old soldier and I have to be somewhere where I can work at my trade, and I stay there while I am on business, backwards and forwards.

Q How long since you first came to the Cherokee Nation? A I came to the Cherokee Nation about 1860.

Q How long did you stay in the Cherokee Nation at that time? A I staid here about six months, I reckon.

Q And then when did you return to the Cherokee Nation again? A I didn't come to it no more then until about '85.

Q And how long did you stay in the Cherokee Nation then? A I staid one place and another over a year.

Q Are then when did you come back to the Cherokee Nation again? A I come back then again in about '78; I was here between that and that, but I can't stay long; I was here two or three times during that, but you are asking for the time I staid any length of time; I just passed in and noticed my property and passed out, and about '76 I built here, that is I left money here then to build and clear up.

Examined by applicant's attorney, J. P. Bullock:  
Q Where has your home been, your effects since 1860? A They were here; that is of course I had some of my wearing clothing away and pretty well all of them, but I had some stock and I kept it here; I didn't have much more than wearing clothing outside of stock.

Q Do you know George W. Tamm, this man here, the applicant?  
A I guess I do.

Q When did you first know him? A I have known him about 10 odd years; his mother and my mother was sisters.

Q You are his cousin? A Yes sir.

Q Well now where did you first know him? A I first knew him in Tennessee.

Q When did you first know him here in the Indian Territory? A I know him in 1860; I think it was I know him here; well I think when

I was here in '60 I saw him, but I can't remember exactly where he was; whether he was sitting down doing anything or not, but he was looking around, and I think he was on the boat sometimes; I guess I just merely saw him and didn't have much time to fool with him.

Q You know whether or not he was a slave, and if so, who owned him?

A If I understood it he was no slave; my learning about it so far as my knowledge got, he was kind of under a mortgage or something of that sort, sure as hell - it was surely like slavery in those times, because I was pretty much in that fix myself.

Q Who mortgaged him? A I don't know.

Q Was it said that anybody had originated him or was his grandfather?

A It was surely before that, I can't remember the name, I don't know; I know it was from old Joe Tamm of somebody he had

married him off, but his name that was Joe Tamm or something of that kind.

Q When was that talk made? A That was made to me in '60 when I was here.

Q Did you ever hear his name mentioned in connection with Jim Vann, son of Joe Vann, at that time, in '60? A Yes sir.

Q Was it? A Jim Vann was the one he was under, and he was often with me. I heard he hired his time, and he would run on the boats &c.

Q You heard that at that time, in '60? A Yes sir, along then I heard it. That was when I failed to see him; only just a very few times.

Q What part of the Cherokee Nation did you see him in here?

A Down here near Ft. Smith in Sequoyah District.

Q Then it was your undertaking and the general talk at that time that he was under contract of Jim Vann? A Yes sir, that's a fact, the way I heard it.

Examined by Cherokee Representative James S. Davenport:

Q Who did you hear say he was under contract of Jim Vann in 1860? A Well I heard him say so.

Q Then what made you say awhile ago you didn't know much about where he was in '60? A I didn't; and tell you I don't know that yet; I said I didn't see him much that time, that's what I said.

Q Then what you heard him say he was under the control of Jim Vann in '60? A I heard him say it in '66.

Q Where were you when the war broke out? A I was in the state of Tennessee when the fight was in July.

Q In '61, when the war began? A I was in Tennessee.

Q Were you living there at that time? A I didn't live nowhere much.

Q You had no family at that time? A No sir.

Q And you were over in Tennessee? A Yes sir.

Q Had been there for some time when the war broke out? A I went from here in '60.

Q And you had never lived here but a few days? A No sir.

Q Just been over here prospecting around? A No sir.

Q Where were you when the war closed? A I was in Nashville, Tennessee, because I was mustered out in January; I was residing in Nashville in January, 1866.

Q Where were you when you enlisted in the army? A Murphysboro, Tennessee.

Q And you mustered out at Nashville? A Yes sir.

Q And you then came to the Cherokee Nation? A I did.

Q That year did you come to the Cherokee Nation? A Fall of '66.

Q You have been living here? A Yes sir, I have been backwards and forwards.

Q You are not a freeman? A I was free myself.

Q Was you free before the war? A Yes sir.

Q And we living in the state of Tennessee? A Yes sir.

Q You are a cousin of George Vann's? A That's what's told me.

Q You know where George Vann was living when the war closed?

Q He was living here in the nation.

Q Do you know that of your own knowledge? A Yes sir, I know it.

Q You were in Tennessee when you were mustered out, how do you know that? A I came right here.

Q You were mustered out in '66, and came here then? A No sir, I was mustered out in '66.

Q What place was George living in when you came? A This side of Ft. Smith, about a mile and a half from the bridge.

Q George has lived there ever since? A No sir, he has moved further by this way.

Q Well how he lived continuously in Sequoyah District to your knowledge since '66? A Yes sir, he has lived there ever since that time.

Q How long has he been in the Cherokee Nation? A I don't know when he has been out any time but he has been in the Cherokee Nation ever since that year.

Q You don't know where he went? A No sir.  
 Q You don't know what year that was? A No, I do not.  
 Q You know when George came back to the Nation? A Well I can't tell you; I can't tell you unless I tell you what I heard.  
 Q I ask you what you know? A I don't know.  
 Q You know whether he ever lived in the state of Tennessee near Chattanooga or not? A Yes sir, I am satisfied he lived there.

Examined by attorney J. J. Toults:

Q When was it he lived there? A When I was a little fellow.  
 Q That was long before the war? A Yes sir.  
 Q How old are you? A I am 62 years old the 23rd day of this coming June; I was born the 23rd day of June, 1824, it's put on the books.  
 Q You know when you first joined the army? A Yes sir.  
 Q You know what year it was? A Yes sir, it was in '33, the 11th day of 10th day of September, '33, immediately after Rosecrans left Murphryshire to go south after General Bragg.  
 Q Where did you live before that? A In Tennessee.  
 Q Where did you live before that; you know where you lived in '31? A I tell you I was out here in '60, and I was back in '60.  
 Q Come out to the Indian Nation? A Yes sir, I went here I don't think any over a year, anyway, and then I went back and then when I come again, that was in '60 and then I didn't come back, as I tell you, only just passed in and out between that and '65.  
 Q What did you come here for in '60? A Because my mother told me I had a right in the Cherokee Nation, and I know my grandfather John Brown was her father, and she always did tell me I had rights here.  
 Q You were here in the Cherokee Nation in '61 and '61? A In '60 well it may have been part of '61.  
 Q You stayed you said here a year? A Well, a year.  
 Q Then you were here in '61? A It may have been about the first of '61 when I went back; it was the first of '60 when I came, and I stayed here a year or a little over, and then went back and passed back again before '65, when I enlisted and then I was in the war and never got here no more until '66.  
 Q It was '60 you went into the army? A Yes sir.  
 Q Your mother was living in the Cherokee Nation at that time?  
 A No sir.  
 Q Oh in Tennessee? A Yes sir, in Tennessee; she has told me that if you search the rolls of '36 I think, being in September some time in '36, you will find Brown, had slaves, and he had six half-breed Cherokees and they were free.

Examined by Cherokee Representative, James S. Davenport:

Q Now when you came here in '60 you came here to set up and claim a right in the Cherokee Nation? A Yes sir.  
 Q What right did you set up to claim in '60; what did you claim as; as a Freedman of a Cherokee by blood? A Well I didn't claim either one, for I didn't know anything about any such thing as that; I come because I was kin to the Indians and they told me I had a right and I come to take up land; I heard that used the land in common and I thought I would take up a place where nobody was claiming and live there.  
 Q Didn't you know what you claimed, what right, whether as a Cherokee by blood or a Freedman? A No sir, I didn't know; I did not know what way I had to claim it.  
 Q As a matter of fact you never came here in '60 to claim a right? A No sir, I did.  
 Q Then you just knew what right you had to claim when you came? A No sir, I didn't know.  
 Q As a matter of fact, you came here to claim as a white man did you? A No, I didn't; I was kin to the Indians and I came to claim the land, that was of mine.



Q You were going to claim it whether you were a citizen by blood or a Freedman? A You want to find out what I claimed to be, Cherokee by blood or Freedman; well I knowed I was part negro and part Indian, according to what I had been taught; of course I didn't know only what people taught me, and knowing that they said I had a right well I come to take that land and stay on it, until they see fit or I see fit to move to some other place, like the Indians done; of course, as I tell you, I learned I was part negro and part Indian.

Q You came to claim as a Cherokee by blood or Freedman. You didn't care which? A As I tell you, I was claiming negro and Cherokee.  
 Q They told you you could get land in the Cherokee Nation claiming as a Freedman or Indian? A Yes sir.

Examined by Attorney J. V. Poulde:  
 Q When were you told that? A You may somebody told you? A I didn't tell you somebody told me; my mother told me, she knowed now they did.

Witness returned, after being excused:  
 Witness: I wish to correct a my mistake I made.

Com'r Breckinridge:  
 Q You want to state just what you were in '60, is that the point? A Yes sir.

Q You were free in '60? A Yes sir.  
 Q And you were free before '60? A Yes sir.  
 Q And you never were a slave? A No sir.

Examined by Cherokee Representative, James S. Davenport:  
 Q What was your post-office in '60, in Tennessee? A I had no post-office; I didn't write any; I didn't have no writing to do.

Q By whom were you freed before the war; were your prents ever slaves? A They never was; neither one of them.  
 Q What place in Tennessee did your parents live? A They lived around Chattanooga.

Q Had their post-office at Chattanooga? A I do not know; I suppose it was; if they had any writing to do that it would have been; they didn't know any writing.

Examined by Commissioner Breckinridge:  
 Q Chattanooga your nearest town? A Yes sir.

Examined by Cherokee Representative, James S. Davenport:  
 Q In what way did you travel when you came to the Cherokee Nation in 1860? A I traveled on my feet and on a boat.

Y. 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) Y. D. Green.

Subscribed and sworn to before me this April 30, 1901.  
 (signed) F. B. Needles, Commissioner.

Cherokee Freedman D-118  
 Department of the Interior  
 Commission to the Five Civilized Tribes,  
 Fort Gibson, I. T., April 30, 1901.

In the matter of the application of George W. Vahn et al. for enrollment as Cherokee Freedmen.  
 Additional testimony.

Annie Green, being duly sworn and examined by Commissioner Breckinridge, testifies as follows:

Q Give me your full name? A Annie Green.  
 Q How old are you? A I can't say my age exactly, but I think I am about 30 years old.  
 Q What is your post-office? A I don't know.  
 Q How long have you lived in the Cherokee Nation all your life? A No, sir.

Q How long have you lived in the Charles Watson? A About nine years.

Q You want to give some testimony in the application of George V. Vann, do you? A Yes, sir.

By Mr. Hastings, attorney for Charles Watson: We subpoenaed her here for that purpose.

Q You are married now? A Yes, sir.

Q What was your maiden name? A My maiden name was Annie Price.

Q Where were you born? A I don't know, sir where I was born.

Q When you were old enough to first remember, where did you then live? A At Little Rock, well, in Argenta then, but it is called North Little Rock now.

Q It is across the river? A Yes, sir, in Argenta.

Q How long did you live at Argenta? A I lived there up until 14 years ago.

Q Were you married there? A Yes, sir.

Q With whom did you live before you were married? A My mother.

Q What was your mother's name? A Fanny Farberough.

Q What was your father's name? A Jose Price.

Q Is your father dead? A Yes, sir, that is what I was told, I haven't seen him.

Q You didn't know your father? A No, sir.

Q Your mother, is she living? A Yes, sir.

Q Where does she live now? A She lives in Argenta.

Q Where she used to live before you left there? A Yes, sir, right at the same place.

Q Do you know this colored man here, who goes by the name of George V. Vann, the applicant? A I got acquainted with that name 14 years ago by the name of Vann.

Q Do you know the man now? A Yes, sir.

Q I don't care about the names you know the man, do you? A Yes, sir, I know the man.

Q How long have you known him? A Ever since I can recollect.

Q What Green, where did you know him? A In Argenta.

Q What name did he go by there? A George Vann.

Q Did he live there? A Yes, sir.

Q How far did you live from him? A Well, about the space of this building, I reckon, might have been a little over.

Q Was there a house between your house and his? A Yes, sir, there was a vacant lot.

Q Some vacant lots of about this distance? A Yes, sir, might have been a little larger, an' might not have been as much, but that is as near as I recollect.

Q It was a short distance of vacant space between your house and his; his house was the next house? A Yes, sir.

Q He was living there when you can first remember? A Yes, sir.

Q And you were living there when you can first remember, although you don't know where you were born? A Yes, sir.

Q Do you know this man, the applicant's, family? A Yes, sir.

Q Did he have a wife there? A Yes, sir.

Q What was her name? A Mary Jane.

Q He had some children, did he? A Yes, sir.

Mr. I. P. Faulds, attorney for applicant: If you have any other witnesses, I would ask that the rules be enforced.

Mr. Hastings: We might have some other witnesses on the stand, but not at this point. We might call J. Brown and Brainer.

Continued on page 46. The witness will go on the stand.

Questions by Mr. Hastings: Did you know his father's name? A Yes.

Q How long did you know him? A I don't know.

Q How long did you know him? A I don't know.

- Q Did he live there at that same place all this time? A Yes, sir, lived there till he left there.
- Q Lived there till he left there? A Yes, sir.
- Q Were you intimately acquainted with the family? A Yes, sir.
- Q What did the applicant, Mr. Vann or Mr. McKay, do down there in Little Rock? A What, you mean his occupation?
- Q Yes, what was his occupation? A He was a Justice of the Peace, that is what they called it, I don't know what sort of office it is.
- Q He held that office? A Yes, sir.
- Q About how many years, Mr. Green, do you think you can be certain in saying you knew him? A About 25 years, or 26.
- Q About, I mean up until the time he left? A I don't know, I don't recollect how long it was.
- Q You mean now that you have known him for 25 or 26 years? A Yes, sir.
- Q I mean that you knew him in Arkansas, did you know him as much as ten years? A No, sir, I don't think I knew him that long.
- Q About how many years do you think you could be sure in saying you knew him? A You mean before I left there?
- Q Before he left? A About ten years, yes I guess it was that long, maybe longer.
- Q And he lived you say, right near you in Argenta? A Yes, sir.
- Q You are certain this is the man? A Yes, sir, I know him.
- Q You have talked with him since you have moved to this country? A Yes, sir.
- Q What name did you address him by then? A Mr. McKerry.
- Q Did he acknowledge that that was his name? A No, sir, he denied his name.
- Q Said that wasn't his name? A Yes, sir.
- Q You know this is the same man here? A Yes, sir, that is the same man.
- Q No doubt about that? A No, sir, that is the same man.
- Q Did you know his children out there in Argenta? A Yes, sir.
- Q What was his oldest child named? A I think his oldest child was named Evt, a boy.
- Q Did he have another one? A Yes, sir, Jim.
- Q Did he have another one? A Mary Jane.
- Q That a girl? A Yes, sir.
- Q Did he have any more children? A Yes, sir, he had one named Allie.
- Q Did he have any more? A One named Wash.
- Q You grew up with these children? A Yes, sir, went to school with them.
- Q You knew this old man intimately? A Yes, sir, of course I knew him, he has whipped me lots of times.
- Q And you have met here and talked with him since you have been in this country? A Yes, sir.
- Q You have known him since you have been here, have you? A Yes, sir.
- Q I believe you say that he lived there until some two or three years, to the best of your knowledge, before you were married, and you were married in 1879? A Yes, sir.
- Q You say that man as far back as you can remember was living there on the adjoining place near you in town? A Yes, sir.
- Q Is there a man by the name of Caldwell down at Fort Smith? A Yes, sir, Walter Caldwell.
- Q Did he know Vann? A Yes, sir.
- Q Is he a colored man or a white man? A He is a white man.
- Q Did he live there at the same time these people lived there? A Yes, sir.
- Q Did he live at Argenta I mean at the same time? A Yes, sir.
- Q This man is now in the drug business at Fort Smith? A Yes, sir.
- Q He will know and remember them about Vann too, will he? A Yes, sir.
- Q And your mother lives at the same place back there? A Yes, sir, at the same place.
- Q Would you say you are about 50 years of age? A Yes, sir.
- Q How do you recollect, I don't know my age exactly.

Q Do you remember the war? A No, sir.  
 Q How long have you lived in this country? A Fine years.  
 Q What part of this nation have you been living in during the last nine years? A Lived at Bragg about 8 years and lived in Sequoyah three years.  
 Q Where did you live before that? A Fort Smith.  
 Q When did you go to Fort Smith to live? A About 1897 I believe; '97 I believe that is what it was, I don't recollect.  
 Q You want to live in Fort Smith in 1897? A Yes, sir, I think so.  
 Q And how long did you live there? A I don't recollect, it has been 14 years from the time I came to Fort Smith till I moved here to Bragg; I never kept count of the years.  
 Q Where did you live before the time you lived in Fort Smith? A Lived in Argenta.  
 Q When did you leave Argenta? A I think it was '86 when I left Argenta, I think it was.  
 Q Did you live in Argenta from the time you were born until 1886? A From the time I can recollect till 1886, yes, sir.  
 Q You say you were married in 1879? A Yes, sir.  
 Q Where did you go to then? A Stayed there.  
 Q Stayed in Argenta? A Yes, sir.  
 Q Do you know where you were in 1885? A In 1885 I guess I was in Argenta; in 1885 I guess I was in the Nation.  
 Q What year is this? A This is 1901; in 1885 I was at Bragg; it was 1886, the payment, wasn't it.  
 Commissioner: Do you mean 1885 or 1895? A I am speaking about the payment; I believe I lived at Bragg.  
 Mr. Eulide: I asked you where you were living in 1885? A Now I don't know what that been?  
 Q Never mind; where were you living in 1885? A You seem to know dates pretty well? A In 1885 I was in Argenta, must have been.  
 Q Was George W. Vann there then? A In Argenta, no, sir.  
 Q Was he there in 1882? A Not as I know of.  
 Q Was he there in 1865? A I don't know, I don't recollect what year it was a left there.  
 Q Was he there in 1870? A I don't think he was there because he had left there.  
 Q He had left there before 1870? A Yes, sir.  
 Q Never came back again? A He came back for his family.  
 Q Just came back for his family? A Yes, sir.  
 Q And took them away? A No, sir; I don't think he taken his family with him, away and left his family and they gone away he came soon afterwards.  
 Q And that was before 1870 wasn't it? A I don't know just what year he left there, I can't say what year he left there, because I don't recollect what year it was.  
 Q You don't know when he left there? A No, sir, I don't know when he left there, because he ran off.  
 Q You don't know when he came there? A No, sir, I never said I know when he came there.  
 Q He might have left there in 1885 for all you know? A He was there when I knew him.  
 Q You can't say he was there in 1870? A I tell you I didn't keep account of it.  
 Q You can't say he was there in 1872, can you? A He was there before I married.  
 Q Can you say George W. Vann was living in Argenta in 1872? A I don't recollect, but I can point you the people can tell you what year he left there.  
 Q I am not asking you about what other people say? A I know the year I married he was gone away from there a good while before I married, I never kept no account of it because I was a child and they didn't allow me to handle with old peoples' business.  
 Q You think you can't say he was there in 1872? A Yes, sir.  
 Q How was that? A I mean I was there.

14 years old they say.

Q You say that this George W. Wann that you knew over there was a Justice of the Peace? A I didn't know any Wann over there.

Q This man Lakany that you knew over there? A That is what he was, Justice of the Peace.

Q And he officiated there as a Justice of the Peace, acted as a justice of the Peace? A Yes, sir.

Q Tried cases? A Yes, sir, tried cases.

Q Were you ever tried before him? A No, sir.

Q Any of your kin people? A No, sir.

Q Where did he have his office? A Down on the river, near the Fort Smith bridge, the Fort Smith and Little Rock bridge is now.

Q Were you ever in this Court that he held as a Justice of the Peace? A No, sir.

Q How long were there? A No, sir.

Q How long did he hold that position as Justice of the Peace? A I don't recollect how long he held it, I don't know.

Q Two months? A I don't know.

Q During all the time that he was there he held this position of Justice of the Peace? A I don't know whether he held that office all of the time he was there or not.

Q Do you know whether he was a constable there or not? A He had a constable named George Akins.

Q But he wasn't a constable? A No, sir, he tried people, his constable arrested them.

Q And he went from there a long, long time before you got married? A I don't know how long.

Q So long that you can't remember? A I don't know how long it was, it was a good while, I recollect when he left but I don't know what year it was.

Q It was a long while before you got married that he left there? A I don't know, two or three or three or four years.

Q Or ten years? A I don't know, I am not going to say it was ten years because I don't know.

Q And you don't know how long he lived there and acted as Justice of the Peace? A No, sir.

Q You've no idea? A No, sir.

Q Do you know what day of the month the 4th of July falls on? A What day of the month?

Q Yes. A It falls on the 4th.

Q Do you know what day of the month Christmas is on? A The 25th.

Mr. J.S. Davenport: attorney for Cherokee Nation: I think, if the Commission please, we should confine ourselves to the facts in this case, and I object to that manner of the testimony.

Commissioner: It is quite apparent that the witness remembers events not exactly by the almanac, but she remembers certain leading events and her method is, so long after certain leading events, and she is quite an intelligent witness in her way, but this is a method you are inquiring about that she evidently does not pursue in her system of recollection; that is not the method that she has shown here at all.

Q Is your husband still living? A The one I married in 1879, he is dead.

Q You have been married since that? A Yes, sir.

Q When were you married the second time? A In 1887.

Q Where were you married? A Fort Smith.

Q How long had you lived there before you were married this second time? A I had just moved there, came there and married.

Q What makes you think you are 35 years of age; is your name in the family bible? A No, sir, I don't see near as I can come at it; I don't know my age exactly.

Q You don't know your age? That is what your mother told you I suppose? Did you say how old you were when you first married?

A I think I was 16 years old, come or 14,

Q Now what were you doing the first time you ever say this man  
 :effery? A That was I do. . .  
 Q Yes. A Playing around the yard I guess.  
 Q Just a little bit of a "o"? A Yes, sir, it was the first of my  
 recollection about him; he knew me before I knew myself, but the  
 first of my recollection I used to play with his children and go  
 to his house and we children would get to fighting and he would whip  
 us; I am not recollecting him from his whipping.  
 Q Sometimes he would take you on his knee? A Yes, sir lots of  
 times, he took me across his lap and gave me a good whipping.  
 Q You parted there pretty good friends, didn't you? A Yes, sir,  
 I am not any enemy of him now; I have got nothing against him.  
 Q Along about the time he left there he was in the habit of whipping  
 you and putting you on his knee? A No, sir, he didn't play  
 with me then.  
 Q That is all that he ever did there in Fort Smith, was to set as  
 Justice of the Peace? A To my knowledge, that is all.  
 Q As long as you knew him there you understood that is what he did,  
 acting as Justice of the Peace? A Yes, sir.  
 Q I mean Argenta, as long as you knew him there she was filling  
 this position? A Yes, sir.  
 Q You don't know how long he filled that position? A No, sir,  
 I don't.

Mr. Hastings: I believe you stated that you came up to Fort Smith  
 in about the year 1867? A Yes, sir.  
 Q You were married in about 1870? A Yes, sir.  
 Q Those are dates that you remember? A Yes, sir.  
 Q I believe you stated that you knew Mr. Vann from the time you  
 got married, within two or three years of your first marriage?  
 A Yes, sir.  
 Q And that was in Argenta, Arkansas? A Yes, sir.  
Mr. Maulds: You have already sworn that it was a long time before  
 that first marriage that he left there and you say him no more; are  
 you going to take that back? A I didn't say I didn't see him; you  
 didn't ask me did I see him, you asked me did I know him.

Mr. Hastings: Do you know his wife, Mary Jane's, mother?  
 A Yes, sir.  
 Q What was her name? A Bessie.  
 Q Is she living down there? A Yes, sir.  
Mr. Maulds: When did you first know this woman you have just spoken  
 of? A Mary Jane's mother.  
 Q As, when did you first know her? A Ever since I can recollect  
 her.  
 Q When is the last time you saw her? A It has been about 12 years.

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 50th of April 1901.  
 (signed) J. A. Pasdale,  
 Commissioner.

**SUPPLEMENTAL TESTIMONY.**  
**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  
**GEORGE W. HAYN, et al.,** as Cherokee Freedmen:  
 GEORGE W. HAYN appears as a witness in the case of  
 George W. Hayn, et al., vs. the United States, George W. Hayn and  
 others, and also the Attorney for the Cherokee Tribes,  
 said Hayn being sworn and examined by the Commission.

C. F. Breckinridge, testified as follows:

Q What is your name? A Harrison Arbough.

Q How old are you? A I was born in '36.

Q What is your post office? A Muldrow.

EXAMINATION CONTINUED BY JOHN D. FAUBUS, Attorney for Applicants

Q Where have you lived since the war with the Confederacy? A I have lived principally in Crawford County, in the State of Arkansas.

Q How far would that be from Fort Smith? A It is called about 15 miles.

Q Have you ever lived in the Cherokee Nation? A Yes, sir.

Q Whereabouts? A I have been living in the Cherokee Nation a short time; I have only lived in there about 14 years.

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

Q When did you first know him? A Shortly after I was discharged out of the service; I was mustered out in the eastern part of Arkansas in the spring season and came that fall to Fort Smith to see my Ma, she lived in Fort Smith.

Q What year was that in? A That was in '88.

Q Did you see George Vann at that time, and if so, where?

A My mother lived in Fort Smith and I come to Fort Smith and there I saw him.

Q Do you know where he was living then? A He lived somewhere across the river in the Nation, I don't know where.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q In 1866? A In 1866.

Q Well, now, do you know where he has lived since 1866 up to the present time; has he lived in the Cherokee Nation? A He has been in the Cherokee Nation and in this Territory, one place and another, I could not tell where all; this is his home as far as I know.

Q You have seen him off and on during the whole of that time, have you? A Yes, sir.

Q Now, you were a non-commissioned officer in the army were not you? A Yes, sir.

Q Did you hold some official position in Fort Smith? A I came there two or three times a deputy under officers, three or four times, four or five times.

Q You have been constable have you? A I have served under Deputy Sheriff.

Q How long? A Oh, just two or three times in the case of catching a law fellow.

Q Do you know anything about George W. Vann being a Constable in Argenta, Arkansas, for a short time? A Well, about a short time after the war, I went there, can't say, I am not going to say, but a short time after the war I went in see a soldier of mine that I served with in Little Rock and it was just about the time there was a big disturbance down there and about that time I saw George Vann and he was a Peace officer, something of this kind on this side of Argenta.

Q That was in the time of the Brant and Bantert? A Yes, sir; there was a disturbance and they wanted me to sign and I would not do it.

BY H. W. FAUBUS, Cherokee Representative:

Q Where did you say you lived now? A Muldrow.

Q How long have you lived there? A I have lived there at Muldrow and near there 14 years.

Q Where did you come from when you come to Muldrow? A I came from Arkansas, Crawford County.

Q How long did you live in Crawford County? A I lived in Crawford County since the war.

Q Is that the County west of Sebastian? A That is the County Van Buren is in.

Q North of Sebastian? A Yes, sir.

Q And about how far further west than did you live? A About 15 miles.

Q You never saw George Vann until after the war? A I saw him  
 I started a while ago in 1864.  
 Q That was after the war? A Yes, sir, after I was mustered out.  
 Q And you saw him in Fort Smith at that time? A I saw him in  
 Fort Smith.  
 Q Well, what were you doing there then? A As I represented a  
 while ago I came to see my mother, and main Fort Smith.  
 Q Well, how long had you remain there at that time? A I remained  
 there off and on six or seven days.  
 Q You saw this George Vann at that time? A I saw him then.  
 Q You recognized him now as the same fellow? A As the same George  
 Vann.  
 Q He went by the name of George Vann then? A He was George Vann  
 then and has been ever since.  
 Q And he always went by the name of Vann? A As far as I know.  
 Q You saw him down at Argenta? A Yes, sir.  
 Q He was Constable? A He was an officer.  
 Q You recognized him then? A Yes, sir.  
 Q He went then by the name of George Vann? A Yes, sir.  
 Q All the time? A Yes, sir.  
 Q You never heard of his going by any other name except George  
 Vann? A Never did.  
 Q How long did you see him in Argenta; how many days were you there?  
 Q I saw him several days; I saw him about twice or three times  
 when I was there.  
 Q How many days did you see him in Little when you were there on that  
 trip to see your mother? A I could not tell you, I was here for  
 six or seven days and I saw him off and on all the time when I was  
 there.  
 Q Is there anything to impress that upon your mind and make you  
 remember seeing him at that time? A Well I suppose there would be  
 the fact we drank together.  
 Q He was not a preacher then? A Not that I know of.  
 Q Didn't you know of his preaching out around the country? A  
 (No response.)  
 Q Did you hear of his preaching out on this side at that time?  
 A Or about the second term of Judge Parker's jurisdiction in Fort  
 Smith I was on the Grand Jury and Mr. George Vann come out of the  
 Cheekaw Nation somewhere, to be from Nowellville, with about five  
 persons, he came there with the Marshalls.  
 Q Well, tell about the preaching, did you hear about his preaching  
 A To Fort Smith; they had disturbed him somewhere where he was  
 holding a protracted meeting and he was a witness against the others  
 in the Court in regard to this trouble they had raised; he was  
 holding a protracted meeting.  
 Q You remember him in 1864, because you drank with him? A Yes, sir.  
 Q Do you remember every fellow you drank with down there in Fort  
 Smith? A That is too big a mouthful.  
 Q Well, do you remember every one? A I could not tell you.  
 Q That is the only thing that impresses it upon your mind that he  
 was there at that time? A I was there and saw him.  
 Q Did you never see him ever here in the Nation until about 17  
 years ago, until you moved here? A I saw him ever in Fort Smith,  
 I would be in Fort Smith and I would see him pass there.  
 Q Where would he pass? A At the docks.  
 Q You would see him get in the boat and come across; when did you  
 see him do that? A I saw him doing that in 1864, and I have seen  
 him doing that off and on since.

BY JOHN S. DAVIDS:

Q You were a soldier during the war you saw, now, were you at any  
 time during the war at Fort Smith in the capacity of a soldier?  
 A I enlisted at Fort Smith.  
 Q Did you ever drink with him there in Fort Smith during the war,  
 did he ever give you liquor or anything else, or was he ever  
 hard that you remember? A I don't know of anything of that kind.



1. The first part of the document is a letter from the Secretary of the State to the President of the United States, dated August 1, 1892. The letter is addressed to the President and is signed by the Secretary of the State.

2. The second part of the document is a letter from the Secretary of the State to the President of the United States, dated August 1, 1892. The letter is addressed to the President and is signed by the Secretary of the State.

3. The third part of the document is a letter from the Secretary of the State to the President of the United States, dated August 1, 1892. The letter is addressed to the President and is signed by the Secretary of the State.

4. The fourth part of the document is a letter from the Secretary of the State to the President of the United States, dated August 1, 1892. The letter is addressed to the President and is signed by the Secretary of the State.

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10. The tenth part of the document is a letter from the Secretary of the State to the President of the United States, dated August 1, 1892. The letter is addressed to the President and is signed by the Secretary of the State.

As a result of the investigation and the work done, it is the opinion of the Board that the applicant is not qualified for the position of [unclear] and should not be appointed.

The Board has also considered the fact that the applicant has not been recommended by the [unclear] and that the [unclear] has not been recommended by the [unclear]. The Board has also considered the fact that the applicant has not been recommended by the [unclear] and that the [unclear] has not been recommended by the [unclear].

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Q How old were you when your father went back to Africa?  
 A About 12, I know well when he kissed me and my mother.  
 P Mr. F. FAULDS:  
 Q Is there any white blood in you? A No, sir, there is Indian  
 and negro.

---oooOOooo---

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 4th day of May, 1901.  
 (signed) C. R. Breckinridge,  
 Commissioner.

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Department of the Interior,  
 Commission to the Five Civilized Tribes,  
 Fort Gibson, I.T. April 30, 1901.

In the matter of the application of George W. Vann et al. for  
 enrollment as Cherokee Freedmen.  
 Supplemental testimony.

Appearances:

For applicant: John F. Faulds, Esq.;  
 For nation: W. W. Hastings and James S. Davenport;

Mr. Hastings: Let the record show that this witness is  
 summoned on the part of the applicant, George W. Vann.

Mr. Faulds: This witness is recalled for the purpose of  
 being cross examined on the part of the defendant; the wit-  
 ness is the witness for the Cherokee Nation; there is no  
 question about that at all, that she can be called for  
 cross examination with the permission of the Commission.

Annie Green, being duly sworn by Commissioner Needles, testi-  
 fied as follows:

Mr. Faulds: Mrs. Green, you have made application yourself to be  
 enrolled as a Cherokee Freedman, haven't you? A Yes, sir.

Q When did you make that application? A The time that census was  
 taken that year.

Q That was some three or four years ago? A Yes, sir.

Q What did you claim to be at that time? A My name was Annie Price.

Q Did you claim as a Freedman or as an Indian by blood? A I claimed  
 it by my daddy.

Q Who was that? A Nose Price.

Q I will ask you if you didn't swear when you applied for enroll-  
 ment that your father was Dan Roach, this old man on the 'hind  
 seat? A No, sir, never did.

Q I will ask you if you didn't swear when you applied for enroll-  
 ment at that time that you had continuously resided in the Cherokee  
 Nation at that time ever since you were born? A No, sir, I said this  
 I said I was here in and out, and I went where I could get the best  
 wages.

Q And didn't you swear that you had made this your home ever  
 since you were born? A No, sir, I didn't.

Q You swore here yesterday that you had lived in Argenta nearly  
 all your life? A Yes, sir, I said I had lived in Argenta.

Q Did you swear when you applied for enrollment that you had made  
 the Cherokee Nation your home? A No, sir, I didn't, not altogether.

Q And didn't you go back after that and swear that your father  
 was an Indian then? A I swore he was an Indian then, I saw that yet.

Q And you afterwards swore that your father was Dan Roach? A No,  
 sir, I didn't, no, sir, never did.

Q. Now you swore yesterday that you were married the first time in 1879? A. Yes, sir, I was.

Q. And you swear it now? A. Yes, sir I do.

Q. I will ask you if you were not living in Argenta, Arkansas, somewhere in 1875 or 1876 and that you were married at that time and living with your husband? A. I wasn't married till 1879.

Q. You were living at that time with a man and holding him out as your husband? A. No, sir, never lived with a man a day in my life until I married.

Q. I will ask you if this man that I refer to wasn't shot through the door? A. Are you trying to refer to the crime, or old man Vann; that is what I want to know? If you will ask me anything proper I will answer that; that is all over with and I don't think it is called for.

Q. You were charged with having murdered your husband? A. Yes, sir, I murdered him in self defense and I was tried for it and I was acquitted by the Court.

Q. But at the same time when you shot him you were in the room with your paramour; with another man? A. No, sir.

Q. You were in the room and he came there to see what you were doing and asked you to let him in and you wouldn't do it and you shot him through the door? A. No, sir, that is not correct; they have got the record of it right there in Little Rock, and it don't claim any such thing.

Q. Well, you shot him and killed him through the door? A. (indicating the applicant) couldn't have been there and here too, he said he has been here ever since 1868.

Q. You had a man charged with raping your daughter over at Muskogee didn't you? A. Well, have you got him on the docket too.

(Mr. Davenport) I submit this is not proper in this case; I object to it as being improper; it is not cross examination, it does not refer to any matter that would affect this case.

Mr. Faulds: We have a right to show that she has been witnesses in all the courts of the land.

Commissioner: You have a right to submit anything I think pertaining to the credibility of the witness.

Q. Did you have a man charged here with ravishing your daughter?

A. Yes, sir, I had a man arrested.

Q. And he was acquitted? A. Yes, sir, I don't know what they done with him.

Q. He was turned loose? A. I haven't seen him, I heard he was sent to the pen and then I heard he was acquitted.

Q. Don't you know as a matter of fact that they didn't pay any attention to this charge you made and turned the man loose? A. They paid attention to it enough to keep him in jail.

Q. Why certainly, and you were kept in jail a long time on a charge of murder. A. How long was I?

Q. You know better than I do. A. Well, you know so much about it maybe you know how long it was.

Q. Isn't it a fact that the child you accused this man of ravishing was examined by a doctor and the doctor swore that the hymen was intact and that she had never been penetrated at all? A. No, sir.

Q. Didn't the doctor swear it? A. No, sir, he didn't.

Q. Well, you know he did, don't you? A. No, sir.

MR. FAULDS: I will state here that I will object to you (addressing Mr. Hastings) and Mr. Davenport crossing the same witness.

Isaac Brewer, being duly sworn by Commissioner Keebles, testified as follows:

Mr. Faulds: Your name is Isaac Brewer? A. That is your post-office address? A. Fort Gibson.

Q. How did you know her? A. I can about 34 I guess, maybe a little more.

Q. Do you know Annie Green, who testified here a month ago? A. I know her, got acquainted with her down to the barracks.

Q. Do you know whether or not she applies for enrollment here there?

or four or five years ago? A Yes, sir.  
Q I will ask you if she didn't swear at that time that her home had always been herein the Cherokee Nation?  
Mr. Hastings: I object to that, you haven't proved that this woman was present.  
Q Were you here when she applied? A Yes, sir, I was here in Fort Gibson.  
Q Did you hear her give her evidence? A Yes, sir, I was here.  
Q Didn't she swear on that occasion that she had always made her home in the Cherokee Nation? A I think she did.  
Q Didn't she swear on that occasion that Dan Roach, this old gentleman sitting over here with the gray hair, that Dan Roach was her father? A She did say Dan Roach was her father, and then said another indian was her father.  
Q And then swore that an Indian was her father? A Yes, sir.  
Q At a different time? A Yes, sir.  
Q At one time she swore Dan Roach was her father? A She said Dan Roach was her father, and then she said an indian was her father, the indian was first, the indian was once and Dan Roach was once.  
Q She claimed to be a Cherokee by blood? A No, she claimed once, and she claimed Freedman once; I don't know what it was.  
Q She swore old Daniel was her father? A Yes, sir.  
Mr. Hastings: Uncle George was a witness for her too at the same time, this man right here? A I don't know anything about that.  
Q Were you present? A I heard her side.  
Q Were you present when she testified? A I was.  
Q Didn't George W. Vann, the applicant here, wasn't he one of her witnesses? A When she testified?  
Q Yes, when she testified? A I didn't hear him testify.  
Q Don't you know whether or not he was a witness? A I heard hers, I didn't hear his.  
Q Answer yes or not; you didn't hear him? A No, sir, I heard her and left there.  
Q You didn't hear him? A No, sir, I didn't hear him, I just heard her testify.

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George W. Vann, recalled for additional cross examination, testified:  
Mr. Hastings: Mr. Vann, do you know this witness, Annie Green, who has been a witness here against you? A I do.  
Q You knew her in Little Rock, or Argenta? A In Argenta I knew her, knew her mother, her mother lives there.  
Q Her mother lives there? A Or did.  
Q You knew her for a number of years? A No, sir.  
Q You lived there with only a short vacant space between you, didn't you? A Yes, about far as that house down there (indicating).  
Q And you lived there about ten or 12 years right there by there?  
A I did not.  
Q And you left there about 1877? A I did not.  
Q Was she an applicant for citizenship before the Kerns-Clifton Commission, this Annie Green? A Might have been.  
Q And you were her witness? A I don't know, sir, don't know anything about it.  
Q Are you willing to swear now you were not her witness? A Might have been.  
Q Were you a witness? A I, was not going to try, I don't know whether I was or not; if you can show it.  
Q Were you or were you not? A I don't know, I don't recollect.  
Q Do you know who her father was? A I know that she has always said her father was an Indian.  
Q Well, what was his name? A I don't know.  
Q What was her mother's name? A Durbrough, was what they always called her.  
Q How long have you known her mother? A About the same time I knowed her, first knowed them in Argenta.

Q How long ago? A I went there from here in the Brooks and Baxter war, and Powell Clayton came up and collected about thirty or forty niggers to go into the Brooks and Baxter war, the two Governors was fighting, the Republican and Democratic, and I went there then.

Q How long did you remain there? A I remained there in the service at the barracks about two months, then George Hughes died right across in Argenta and I was appointed by Governor Hadley to fill out time as constable and stayed there six months and I came here and a white man was elected for constable and I never was a Justice of the Peace.

Q You lived there about six months? A No, sir, I stayed there more, I stayed in the garrison about two months, and I got out and George Hughes, the constable died, and Governor Hadley appointed me constable until that time expired, and I stayed there six months and that made about eight months.

Q What is all you ever stayed in Argenta? A Yes, sir.

Q You didn't run for the office of constable and was elected? A No, sir, never.

Q Did you see a man named Tom Alexander that I asked to step out of the room? A I don't know, the record can be shown at Little Rock.

Q You don't know this fellow Alexander that I spoke of, that stepped out of the room? A No, sir, I don't know who it is.

Q You haven't seen him here this morning? A No, sir, I haven't.

Q Tom Alexander, lived down in Sequoyah a while and has roved up to Tahlequah? A No, sir, I don't know gin.

Q Didn't you swear who was this woman's father five years ago? A Yarbrough.

Q Didn't you swear at that time that her father was named Dave Holt? A No, sir, I didn't do it, I might have said that is the way I understood it.

Q Didn't you swear you knew him? A Yes, sir, and do know Dave Holt.

Q Didn't you swear Dave Holt was her father, and he was an indian? A No, sir, I don't know he was her father.

Q Didn't you swear it five years ago? A No, sir, I didn't know it, how could I swear he was her father.

Q Did you swear she lived in the Bickle place? A No, sir, it was the Bell place.

Mr. Faulds: I object, as there is no intention of contradicting the witness; if you will say on your reputation as a lawyer that you expect to prove these facts, I will withdraw the objection.

Mr. Hastings: It is a question of the admissibility of testimony; yes, sir, I propose to prove it.

Q Didn't you swear then you knew her mother over 50 or 55 years? A No, sir, I didn't, because I didn't.

Q Didn't you swear that Dave Holt lived on Skin Bayou? A No, sir, I didn't, because he didn't live there, he lived in Sequoyah and not on Skin Bayou, he was living on Skin Bayou, but not on any of it.

Q Didn't you swear this woman was named Anderson before she married? A No, sir, Yarbrough was her name.

Q Do you not now swear whether or not you testified for her in 1896 before the Kerns-Clifton Commission?

Mr. Faulds: I object to this question, as it has already been asked.

A I don't know as I did, I don't remember.

Mr. Faulds: You were a constable you say for only six months in Argenta? A Yes.

Q You have heard the evidence of this witness that you resided there for a certain length of time; you say you resided there for only eight months? A I was there two months down there in the barracks, and orders came in of the blue coats the morning when we commenced fighting, and said if we didn't disband of them arms we would be arrested.

Q You recollect about when you went there to Argenta? A I do.

Q When? A I went there between 1874 and 1875.

Q And remained there eight months? A I remained in the garrison, two months and then George Hughes died, a white man, in Argenta, and I was appointed constable.

Q Did you ever run for Justice of the Peace or was act as Justice of the Peace? A Never in the world.

Q Now at the time you were living, there was this woman married or living with a man whom she held out as her husband? A Yes, sir.

Q Right close to where you were living? A Yes, sir, and she swears she did to and I say so too.

Q This man she was living with as her husband was the man she killed? A Yes, sir.

Q And you arrested her for it? A Well, let me tell it just as it is; I lived right close to her, and there was a church right here and her husband got dressed up to go to church with me and two of my deputy constables, my deputies and me went on and she stopped, and said to him, I don't believe I will go, I don't feel well, and we got about a quarter of a mile, and he said 'OKay, it is my notion there is something wrong at my house,' and I said, 'what is it,' and he said, I don't feel right, I am going back,' and I hear a gun fired, and I was a constable and had four white deputies under me and four niggers, and I broke back, and when I got back I heard a loud groaning and her husband was lying at the door, and this woman was at the door and he could talk, and I asked him what is the matter, and he says 'I am shot,' and I asked him where is his wife, and he says in the house, and I broke the door and she and a man was in there wither; and I arrested her and arrested him, and I can prove it.

Q This man that was in there wasn't her husband? A No, sir, and I said, 'did you shoot that man,' and she says, 'I done it,' and I said, 'well what did you do it for'; 'I thought it was a burglar,' and I says, 'You know your husband's voice; 'I thought it was a burglar, this man didn't shoot him, I shot him.' I arrested them both, took them before a white justice of the peace, she was bound over and stayed in jail I don't know how many days, and after a while a man, a lawyer, one of the first congress members there, she had a little money and he was working on the Cairo & Fulton iron works, she hired Will Terrell, the congress member, to defend her, and they worked on that case fully half a year and she got out, and I didn't see her again and I saw her in Port Smith.

Q Then was that? A That was in 1876, I saw her in Port Smith, she was single, she married a negre there working in a wholesale store named Green, she is with now; she stayed there about a year and came over to Dr. Bell's place on this side the river and when she left there I never saw her until I saw her here now; and I never have acted as Justice of the Peace.

Q Mr. Hastings: Was this man a member of congress at that time, that lawyer, Will Terrell? A I don't know, but I know he has been since.

Q Was he then? A I tell you I don't know.

Q How did you come to leave Arkansas; you left there between the suns, didn't you? A No, sir, what did I leave there for?

Q Didn't your son get into trouble with a woman? A No, sir.

Q And didn't you shoot at her through a door? A No, sir, never.

Q You never shot at any woman? A Yes, I did.

Q Then you left too immediately? A No, sir I didn't, I stood my ground and came clear. I shot her, she busted a cap at my and run off and shot at me because her boy had went out in the field and tried to get my boy to let him plough a big horse of mine named Big that nobody could go to him, and as soon as he got to him he goes after his father, and she whipped him, Dollie Phillips is the woman there, and I came to the butcher pen and I was a constable, and her boy there when my boy says you can't plough him, he picked up a piece of brick and hit him, and she was up to the butcher shop and I shot her.

Q Is that your wife now? A I was tried to I think about

Q In what year were you tried? A I was tried in I think about sixty, about '70, I think that is about the time I was tried.

Q You stayed there until you were tried? A Yes, sir.

Q Was that up before Court, or was it before the grand jury? A No sir, went before Court and tried before a jury and came clear and because she shot at me.

Q And the woman's name was Lollie Phillipps? A Yes, sir, and I shot her.

Q Was that tried in Argenta? A Yes, sir, and then when they went over into Little Rock before the Governor, or Judge, you might call him, Judge Butler, I was tried there and came clear.

Q Mr. Faulds: How you were a constable at the time this shooting took place? A Yes, sir, she shot at me and broke a cap, and I jerked it out at the butcher pen and saw her and knew her and shot her in the groin, shot her right below the groin.

Q Did you kill her? A No, sir.

Charles Robinson, being duly sworn by Commissioner Needles, testified on behalf of applicant as follows:

Q Mr. Faulds: Mr. Robinson, how old are you? A I guess I am about 58 years old.

Q What is your post office address? A I aint got no post office.

Q Where does your wife get her mail? A The last mail she got, she got it over here to - I don't know what is the name of the place out here on the road; that post office was burned down and she hasn't got any mail for a year.

Q You know Joe Bruner? A Yes, sir, I been knowing Joe Bruner for about two, three years.

Q Do you know his general reputation in the community where he lives for truth and veracity? A I know that it is not very good.

Commissioner: The question is do you know it; say yes or no. A Yes, sir, I know part of it.

Q Mr. Faulds: Didn't you say here before you knew his reputation? Let me explain; you live within two or three miles of him and I want to know -

A His reputation is bad down there

Commissioner: Do you know his reputation? A Yes, sir, I know some of it.

Q Mr. Faulds: A man's reputation for truth and veracity consists in what people say of him, as to whether he is a truthful man or an untruthful man; now I ask you the question whether or not you are acquainted with his general reputation for truth and veracity in the community in which he lives? A Yes, sir, it is not good.

Q Answer yes or no? A No, it is not good.

Q Answer whether or not you know the reputation? A Yes, sir, I know it is not good.

Q Is it good or bad? A It is bad.

Q Mr. Hastings: He is a witness against your wife here in her application for enrollment? A I don't know the first time I ever saw him I don't know whether he is or not.

Q Didn't you come up here to testify against something he testified in your wife's case? A I came to tell something he told a story about.

Q Was he a witness in your wife's case? A No, sir, he was a witness in my daughter's, and he said he didn't see her in the nation and he tried to court her in the nation.

Q How do you know he said that? A Because my daughter told me he said so.

Q Then he must have been a witness in her case. A I said my daughter, you said my wife.

Q Who did you ever hear say Joe Bruner's reputation was bad?

A Here is one witness right here.

Q Who, George Yam? A Yes, sir, I can get several more.

Q Well, who? A There is one out doors.

Q What is his name? A Tom Davis, old man Tom, that is his name.

Q How did you hear him say that? A I heard him say so dozens of



Q When was that? A I have heard him say so lots o f times.

Q Well, name one day? A Lots of the rest of them will say so.

Q Who else did you hear say anything about it? A I can call the names of different men.

Q Well, name one of them? A Well, there is not over five or six.  
Commissioner: You don't recall anybody. (No response.)

Q This man is a witness against George Vann? A I don't know, sir, anything about that.

Q You heard Vann say so? A No, sir, I don't know what he said or nothing at all.

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Daniel Roach, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Do you know Annie Green who testified here? A Yes, sir.

Q Was she your daughter? A No, sir.

Mr. Hastings: Did she ever claim to be your daughter? A Not to me, she claimed to be a daughter of a Price, Lose Price was my master, now he is the man raised me.

Q She never claimed to be your daughter? A No, sir, she claimed Price.

Q Did she claim that five years ago, before the Kerns-Clifton Commission? A Not to my knowledge.

Q Did you ever go to Tahlequah to look it up? A Yes, sir, I saw the woman right here and I went to Tahlequah to look it up and I went to Mr. Bengé, old man Bengé; my master was her father, used to be my master.

Mr. Faulk's: Did he you hear her testify when she made application to be enrolled at the time of the Kerns-Clifton roll? A I don't recollect it.

Q You don't know whether or not she swore you were her father? A No, sir.

Q Did you ever hear she claimed you were her father? A Some of the children; I had a daughter just about her color and her size, and when they would be going to church they would be walking together and the children said look yonder, they must be daughters of Daniel Roach, they are both just alike, and it came up from that.

Mr. Hastings: You never heard her claim it? A No, sir, I never heard it.

Mr. Faulk's: You heard that she said it? A Yes, sir, just told around.

Q You heard that Annie Green claimed to be your daughter? A Yes, sir, after the children said it was, she said yes I am, or something that way; that is about the way I understood it.

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Thomas Alexander, being duly sworn by Commissioner Needles, testified on behalf of the Cherokee Nation as follows:

Q What is your name? A Thomas Alexander.

Q How old are you Tom? A About 50.

Q Do you know where you were born? A Born in Huntsville, Ala.; raised up in Nashville, Tennessee.

Q Did you ever live in Arkansas? A Yes, sir.

Q Ever live in Little Rock? A Yes, sir.

Q When did you live there? A I left there in 1865, as near as I can come to.

Q About when did you move to Little Rock? A I came there in 1877.

Q You came to Little Rock in 1877? A Lets see if I am right; no, sir, I came there in 1870, that is correct.

Q Do you know this applicant here, this man? A I don't know, sir, I have been seeing him about.

Commissioner: Do you know him? A Yes, sir, I know him, George Vann.

Mr. Hastings: Did you know him in Sequoyah District? A Yes, sir.

Q Do you live in Sequoyah now there? A Yes, sir, that is where I came to in 1865.

Q Did you ever know him before that time? A I saw him come to

Little Rock, a constable in Argenta, on the Argenta side.

Q That is just across the river from Little Rock? A Yes, sir, north I think.

Q Now about when did you first know him in Argenta or Little Rock? A Well, I don't know, as near as I can come at it, I think it was about 1874, that I saw him there, a constable, if I make no mistake.

Q About how long did you know him down there? A I know that he was a constable, I think, if I make no mistake, two years, or some- whores in the bounds, but he didn't serve his time out; I don't think he served his time out because I make no mistake a man taken his place by the name of Gladney.

Q About how long did you know him there, two years?

A Mr. Faulds: I object to the question as leading.

Q How long did you know him in Little Rock or Argenta? A I have knowed him I guess, I will have to say about two years.

Q Did he have a family there then? A Yes, sir.

Q Lived there? A Yes, sir.

Q Do you know when he left there? A Well he left there sometime unbeknown to me; when I found out, he had done left there, done gone, he was but his family hadn't.

Q About when did you miss him to the best of your knowledge?

A Well, now I think he remained a constable to the best of my knowledge close to two years, and left there, and when I heard of him again he was gone, I don't know as I knew he was gone then except I saw Mr. Gladney riding in his post.

Q The next time you saw him in the Cherokee Nation? A Yes, sir.

Q What was he known by down there? A I always heard him called 'Clark', I don't know whether it was a nick-name or what it was; that was his name, 'Clark'.

Q You saw him down in Sequoyah district and his name was Vann down there? A Yes, sir.

Q Did you ever talk to him up there about his being in Little Rock? A Yes, sir, he has talked to me about it; asked me if I didn't know him, about his being constable down there.

Q Did he ever talk to you about his whereabouts before going to Little Rock, or Argenta? A Yes, sir, he told me about being at Pine Bluff and Memphis, before now.

Q He didn't state how long he had been there, or what his business was there? A He said he had lived there a while.

Q Mr. Faulds: You lived in Argenta from 1870 to 1880? A No, sir, I never have lived in Argenta.

Q Well, Little Rock? A Yes, sir.

Q Argenta is a suburb of Little Rock? A Yes, sir, it is a suburb I guess.

Q And during the time that you knew Vann there he was a constable wasn't he? A Well, that is about the first I knew of him, about his running for a constable.

Q Now don't you know as a matter of fact that he never did run for a constable, that he was appointed as a constable to fill out the time of a man who had died? A No, sir, I never heard about it.

Q But still you can't deny it? A I does deny it, I don't know nothing at all about that.

Q Didn't you say here a moment ago that he didn't fill out the time; didn't you state that just now in your evidence in chief, that George Vann didn't fill out his time? A Maybe he didn't quite fill it out, maybe he had to go away from there before he had filled it out.

Q Just answer my question please, I am not asking you about other things; we will come to that in time. Now are constables elected back in Arkansas? A I don't know, sir, I can't say for certain, but I know he remained there in that settlement for constable two years and started on a second term, if you want the truth about it, but he didn't serve his second term out, he had to go away.

Q He went away? A He had to go away.

Q What for? A I can't say for certain, only I heard he had to

go away from there about shooting at a widow woman in a door, and nother thing was getting away with some money; I don't know, all I know I have heard.

Q Do you know anything about it? A No, sir, I don't know anything about it, but that is the talk.

Q You were not there? A No, sir, of course you know I couldn't have been there if he was constable.

Q Do you know as a matter of fact whether he ever did run for constable in that district? A He tried at one time, he tried to run for constable if he didn't run.

Q Answer me whether he run for constable? A Yes, sir, he run for constable.

Q You swear that? A Yes, sir,

Q Did you vote for him? A No, sir, I didn't.

Q Do you know anybody did vote for him? A No, sir, I don't know who voted for him.

Q Do you know whether anybody voted for him? A Somebody voted for him, else he wouldn't have been elected.

Q And you know he actually run there for constable? A Yes, sir,

Q Know that of your own knowledge? A Yes, sir.

Q Tell me why you know it? A If a man gets on a ticket to run for constable, like I see I guess he has to have tickets to run on.

Q Did he have tickets to run on? A I wasn't in his jurisdiction.

Q You didn't see any tickets with his name on them? A Yes, sir, I did.

Q Was his name was on it? A McKamy.

Q What else was on it? A George McKamy.

Q What year was that in? A I don't know what year that was in, it was along about the time I told you it was.

Q Who run against him? A That I don't know, who run against him.

Q You don't know who run against him? A No, sir.

Q You don't know whether he was elected? A He was elected once I know.

Q Might it not have been that he was appointed to fill out the place of a man who died there? A I don't know anything about that, I am at the first of that, I never heard of that; if it is ~~that~~ that way.

Q Can you remember the first time you saw him in Argenta, the year? A I am not going to specify the specified year I saw him there in; I am not going to specify what certain year, because I might be mistaken in it, but I know he was there and run for constable two years and entered on a second term and never filled it out.

Q Do you know what year he left there? A No, sir, I don't know that.

Q You don't know the year he started to act as constable and you don't know the year he left there, do you; now answer me my question, you don't know when he started to act as constable and you don't know when he quit acting as constable, do you? A I don't know anything about when he quit, I don't know when he left there; he left when I didn't know it; I ~~don't know when~~ he was gone when I found it out.

Q And he had been gone a long time when you found out he had been gone? A Not more than a month or two.

Q Do you know what year he started to act as constable or what year he quit acting as constable; you have already sworn you didn't know what year he started to act as constable; didn't you swear that?

A He acted as constable there '74 or '75 along there, but I will not specify for certain what year; I can't say what year for certain.

Q It was in '74 or '75? A Right along in '75 or '75.

Q When did he leave there? A And he left there, seems if I make no mistake, he left there in 1877, I think it was, since I came to think about it, if I make no mistake, somewhere along there.

Q Do you know it? A He left there in 1877 or '76, somewhere along there, as near as I can recollect.

Q But you don't recollect? A I don't recollect exactly.

Q Might it not have been in 1875 he left there; now you are on

your oath? A I know I am under oath; he didn't leave there that year.

Q He might have left there in 1875? A He didn't leave there in 1873; he was there in 1875.

Q He came there in 1874 or 1875, didn't he? A No, sir, I didn't say he came there; I don't know when he came there; no, sir;

Q Didn't you say he started to act as constable in 1874 or '75?

A Yes, sir, I said that, but I didn't say he came there in that time.

Q And he left there in 1876 or '77? A Yes, sir, left there right along in one of the years, I will not say positive which.

Q Did you ever know of him acting as Justice of the Peace over there? A No, sir, I never heard of that.

Q Well, will you swear he didn't act as Justice of the Peace while he was there? A I swear he didn't to my knowledge.

Q And if he had done it you would know it? A I don't know, I think I would.

Q You saw him walking around the streets with his badge on? A I never saw him act as any justice of the peace, never heard of it before; he acted as a constable, riding around summoning people and making arrests, but didn't look like a justice of the peace to me.

Q Are you a Cherokee Freedman? A No, sir, I am a state man.

Q You have no right here at all? A Not a bit.

Q How long have you lived here? A I came here in 1885.

Q Been living here ever since? A Yes sir.

Q You have been living with one of George Vann's children some of that time, haven't you? A Yes, sir.

Q How long? A About a year.

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

Q Did you quit her or she quit you? A There was quitting doings.

Q She quit her you didn't she? A Oh, yes, she quit me.

Q Then it was mutual? A Yes, it was mutual, that is what it was.

Q Which daughter was that, Mary Jane? A Mary Jane; I guess you ask me that much, you ought to ask me about some of his sons down there in Little Rock now; they haven't left there yet.

Q Have you got any sons in Little Rock? A I didn't say me, I said Mr. Vann, or McKary, or whatever they call him.

Q You have never been charged with any crime? A Yes, sir, I was charged with the crime and came clear of it.

Q What were you charged with? A I was charged with burning a house and was acquitted for it in the Commissioner's Court.

Q Is that all you were charged with? A That is all I ever knew of.

Q You were charged with rape once? A Never heard of that before; no, sir, never heard of it before; I am at the first of that; I told you what I have done; no, sir, I never was.

Q You have committed rape lots of times, haven't you, Commissioner? You need not answer that question.

Mr. Faulds: Were not you charged with burning this Vann house because she wouldn't stay with you? A Yes, sir, I was charged with doing that but I didn't do it and if I had have done it it would have been proved on me.

Mr. Hastings: They tried you and you came clear? A Yes, sir, and you can ask him about it.

Mr. Faulds: You lived there in Little Rock continuously from 1870 to 1885? A Yes, sir.

Mr. Hastings: You lived with this daughter, Mary Jane, while? A Yes, sir.

Q About how old is Mary Jane now? A According to what I would call her I guess she is about 35 or 40.

Q Did she ever tell you about anything where she came from before she married you? A Yes, sir.

Mr. Faulds: I object to that as hearsay.

Commissioner: I don't think that is pertinent.

Mr. Hastings: The question of whether or not she told him of her whereabouts prior to their marriage he can answer by saying yes or not; now that is not telling any hearsay of

what she said, except to say whether she told him or not, and then the next question perhaps would be objected to by the attorney on the ground it was hearsay, but now our first point is that this ought to be answered as to whether or not she ever told him; that is not hearsay; he might object as to what she did tell him afterwards, but that is a second question, and this is only leading up to it.

Mr. Fastarre: No go ahead and make a statement of all Mary Jane said about her whereabouts as far as you know, prior to her marriage.

Mr. Faulds: I object to that.

Mr. Hastings: I want to call your attention to this point, that when Charlie Robinson was on the stand in his case, not five or ten minutes ago, the questions were then asked him by this same attorney, the question was asked him as to the whereabouts of his wife, and who she belonged to. The question was then objected to, and this same Court ruled in that case that inasmuch as there has been more or less latitude allowed about it, that hearsay upon what question was admissible, and it was allowed to be testified to as that time by that man, who she belonged to, when he didn't claim to know her before the war at all, but who she said she belonged to before the war, which was clearly a declaration in interest and this as a declaration against interest. It is a matter of family history and in our judgment clearly admissible in this case.

Mr. Faulds: My learned friend is entirely mistaken when he says that any such testimony was objected to in this case. Charlie Robinson was called in this case to prove the reputation of Joe Bruner, and as your honor knows, that is an exception to the rule and you can prove reputation by hearsay evidence, but we never offered any evidence at all as to what had been said by this person and that person. Now then the proposition to offer in evidence what this man's daughter had told this man with whom she lived, not even her husband. Now there is a rule which requires the best evidence to be given. What is the best evidence. The testimony of Mary Jane Vann herself; that is the best evidence. Let them call her, swear her, ask her the question where were you living, where was George Vann living? that is the best evidence, that is the original evidence, and hearsay evidence against interest is never admissible when you can get the original, the best evidence. Would not be admissible under any circumstances because the parties are not in any respect whatever identified in interest.

Commissioner: Well, that might have been proper at that time. The objection wasn't strenuously urged by the Counsel. This testimony it appears to me is not relevant at all, and is not a proper question. This woman is alive. I don't think it very material in either event.

Mr. Hastings: Comes now the representative s of the Cherokee Nation and except to the ruling of the Commission in the above case.

-----  
Thomas Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Thomas Bell? A Yes, sir.

Q And your post-office is what? A Dora.

Q Indian Territory? A Arkansas; near the line.

Q How old are you? A I don't know, over 68 or '89.

Q I will ask you if you are acquainted with Joe Bruner? A A little, yes, sir.

Q Do you know his general reputation for truth and veracity in the community where he resides; what the people say? A Yes, sir.

Mr. Hastings: How far do you live from Joe Bruner? A As near as I can study and think, it must be about five or six miles.

Q Do you say you know his reputation in the community in which he lives? A I don't know it, no more than what I hear.

Q. Do you know it in the community in which he lives? A. No, sir, I don't know it, but I hear it.

Mr. Faulds: Reputation, you understand Mr. Bell, is what the people say of Mr. Bruner, it is not what you know. A. In his settlement?

Q. Yes, in his settlement, among people with whom he is acquainted, and whom he associated with. I want to know what his reputation for truth and veracity is among those people; do you know it? A. Yes, sir.

Q. Now is that reputation good or bad? A. Bad.

Mr. Faulds: Of course the Commission understands that we have a great many witnesses we have not brought, that we intend to bring up at Muskogee, but we haven't any more here.

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 us this the 6th of May, 1901.

(signed) C. R. Brackinridge.  
Commissioner.

F. 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.

*F. D. Green*

Subscribed and sworn to before us this February 11th, 1902.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Port Gibson, I.T., April 20, 1901.

In the matter of the application of Mary J. Youngblood for the enrollment of herself and five children as Cherokee Freedmen

Mary J. Youngblood, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Mary Youngblood.  
Q How old are you? A I guess I am about 40.  
Q What is your post office? A Benge.  
Q In what district do you live? A Sequoyah.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to enroll anybody besides yourself? A My children.  
Q How many children? A I have got seven.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Give me the name of your father? A George Vann.  
Q George W. Vann? A Yes, sir.  
Q He is alive, is he? A Yes, sir.  
Q Give me the name of your mother? A Narcissa Vann.  
Q Is she alive? A No, sir, she is dead.  
Q Give me the names of your children? A Gernelia Benton.  
Q How old is that child? A She is 22.  
Q ~~Is she married?~~ She will have to apply for herself; give me the name of your next child? A Sarah Howell.  
Q How old is that child, Sarah Howell? A She is 20.  
Q Is she married? A She has been married.  
Q Has she got any children? A No, sir.  
Q Does she go by ~~that~~ her husband's name? A Yes, sir, that is her husband's name.  
Q Isn't she living with her husband now? A No, sir, she lived with me.  
Q Well, give me the name of the next child? A Pearlle Hill.  
Q How old is that child? A She is 18.  
Q Has she ever been married? A No, sir.  
Q Give me the name of the next child? A Coralee Youngblood.  
Q How old is that child? A She is about 9.  
Q The next child? A Cassie May Youngblood.  
Q How old is she? A She is 6 years old.  
Q The next child? A Richard Youngblood.  
Q How old is he? A He is 2, going on 3.  
Q The next child? A I don't know.  
Q Is that all? A No, sir, the baby hasn't got any name; call him Washington Youngblood.  
Q How old is he? A He is about 2 months old.  
Q Are these children all living now? A Yes, sir.  
Q How many times have you been married? A Twice.  
Q Give me the name of your first husband? A Baalam Hill.  
Q Is he dead? A Yes, sir.  
Q When did you and he marry? A In 1877 I believe.  
Q Did you live with him until he died? A Yes, sir.  
Q When did he die? A He has been dead about 15 or 16 years.  
Q Your name in 1890 was Hill? A Yes, sir.  
Q Well, after he died you married your present husband? A Yes, sir.  
Q What is the name of the man you married a second time? A His name is Frank Youngblood.  
Q Is he dead? A No, sir.  
Q Are you still living with him? A Yes, sir.  
Q Does he claim to be a Cherokee Freedman? A No, sir.  
Q You make no application for him? A No, sir, I don't make none for him, he claims it.  
Q He didn't get out a Cherokee license when he married you? A No, got a license.

Mary J. Youngblood - 2.

- Q Where did he get it? A At Muskogee, I reckon.  
Q Then he got a United States license? A Yes, sir.  
Q When did you and Frank Youngblood get married? A In 1893, I believe; no, 1892.  
The 1880 authenticated roll of Cherokee Freedmen examined, and the applicants not identified thereon.  
The 1890 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.  
Q Have you got a "J" in your name? A Yes, sir.  
Q Call your name Mary Jane, do you? A Yes, sir.  
The Keras-Glifton roll examined, and the applicants identified thereon as follows:  
Mary J. Youngblood on page 180, No. 3954, Sequoyah district, as Mary Jane Vann.

A You can find the eldest child as Sarah Annie, her name is Sarah Annie.

Sarah A. Howell on page 180, No. 3956, Sequoyah district, as Annie Hill;  
Pearlie Hill on page 180, No. 3957, Sequoyah district;  
Cervase Youngblood on page 180, No. 3958, Sequoyah district;  
Cassie May Youngblood on page 180, No. 3959, Sequoyah district.

George W. Vann, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A George Vann, sometimes they call me George W. Vann.  
Q How old are you? A I am going on 87.  
Q What is your post office? A Benge.  
Q How long have you lived in the Cherokee Nation? A I came with the Cherokees here, sir.  
Q Is this woman here your daughter? A Yes, sir.  
Q What was her mother's name? A Narcissa.  
Q Your daughter has been married, has she? A Yes, sir, twice.  
Q What was the name of her first husband? A Baslam Hill.  
Q And her second husband? A Frank Youngblood.  
Q And then she has a daughter, Sarah Howell? A Yes, sir.  
Q Is that daughter the child of the first marriage? A Yes, sir.  
Q That daughter has been married? A Yes, sir, married John Howell, but they have parted two or three years ago.  
Q She has no children? A No, sir.  
Q And she is not living with her husband now? A Yes, sir.  
Q She is known as Sarah Annie Hill? A Yes, sir.  
Q How in this marriage to Youngblood, do you know whether he got out a Cherokee license? A He got a United States license.  
Q Went to Muskogee and got a license? A Yes, sir.  
Q So he has no ground to claim citizenship? A He is a state man.  
Q A state man and married under United States license? A Yes, sir.

Commissioner Breckinridge: The applicant applies for herself and six children. At the beginning she included another child, who is found to be of age and will be required to apply for itself. The applicant states that she has lived in the Cherokee Nation all her life, she is not identified on the roll of 1880, or upon the census roll of 1890. She is identified on the Keras-Glifton roll. The change of name arising from marriage is established by her own and her father's testimony. Reference is made for the further consideration of this case to the testimony in the application of her father, George W. Vann, Cherokee Freedman doubtful card No. 2112, and the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The eldest child for whom she makes application is now known as Sarah Ann Howell. This child is given as 26 years of



Mary J. Youngblood - 3.

age. She has been married, but has no children, and she is living with her mother, and the applicant is permitted to make application for her under these conditions. This child is of the first marriage, and her maiden name was Hill. She is not identified on the roll of 1896, but she is identified on the Kerns-Clifton roll, and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

Of the remaining children, one Pearlle Hill, a child also of the first marriage, is identified upon the Kerns-Clifton roll, but not upon the census roll of 1896. This child is living and will be listed for enrollment as a Cherokee Freedman on a doubtful card. The two children of the present marriage, Coralee and Cassie May Youngblood, are identified on the Kerns-Clifton roll, though with faulty and partial registration. They are living and will be listed for enrollment as Cherokee Freedmen upon a doubtful card. When the applicant supplies the Commission with proper certificates of the birth of the two youngest children, Richard and Washington Youngblood, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. The applicant makes no application for the enrollment of her husband. Her first husband is said to have been dead some 15 or 16 years, and she and her present husband are said to have married in 1892, but he is said to be a state man and to have married under a United States license.

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

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of April, 1901.

*C. A. [Signature]*

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, T. T., April 30, 1901.

In the matter of the application of Mary J. Youngblood et al.  
for enrollment as Cherokee Freedmen.

Additional testimony:

Thomas Alexander, being duly sworn by Commissioner Needles,  
testified on behalf of Cherokee Nation as follows:

- Q What is your name? A Thomas Alexander.
- Q What is your age? A 50.
- Q Where do you live? A I live at Tahlequah, five miles north.
- Q Do you know Mary J. Youngblood now, the daughter of George W. Vann or George McKamy? A Yes, sir, I know the name Mary, but I didn't know she was a Youngblood.
- Q How long have you known her, or how long did you know her? A About 16 or 17 years.
- Q Did you live with her a part of the time? A Yes, sir.
- Q About how long? A About a year.
- Q Why was that? A If I make no mistake it was 1887.
- Q Did you ever hear her say anything about where she was born and brought up, reared? state all you know about what she said of her residence prior to the time you lived with her? A She was born somewhere on the line of Tennessee and Alabama, that is what she says, on the line of Tennessee and Alabama, left there and came to Pine Bluff, left Pine Bluff and came to Memphis, left Memphis and came to Argenta.

- Q Arkansas? A Yes, sir.
- Q Did you know her in Argenta? A No, sir, I didn't, I knew one or two of the boys, one was named Jim McKamy.

Q About how old is she now? A She is about 35 or 40.

Commissioner: The evidence is not admissible for the reason that the applicant has not been notified that testimony is to be taken in her case.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the ruling of the Commissioner for the reason that no rule of this kind was promulgated during the taking Cherokee cases, nor was any rule of this kind promulgated so that notice had to be given to people enrolled on doubtful cards either as Cherokees or Freedmen on or before the 30th of April, 1901

Commissioner: Comes the Commissioner in person and states that the attorney for the Cherokee Nation was notified several days ago that counter testimony could not be taken without the applicant, or their attorney, being notified, and also that any supplementary testimony cannot be taken by applicants as against the Cherokee Nation without the Cherokee Nation, by their attorney, being notified of the application.

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

*Bruce G. Jones*

Sworn to and subscribed before me this the 6th of May, 1901.

*W. A. ...*

Commissioner

File with Cherokee Freedmen, B-154, Mary J. Youngblood.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 12, 1901.

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

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

J. S. Pealide, attorney for applicants;  
W. W. Hastings and J. A. Davenport, of counsel for  
Cherokee Nation.

Mr. Pealide: Applicant objects to my testimony being  
offered against him, on the ground of insufficient notice,  
notice being served on me yesterday.

Commission: The Cherokee Nation makes satisfactory proof  
of service of notice on the said George W. Vann, that testi-  
mony would be taken in behalf of the Cherokee Nation in the  
matter of his application for enrollment as a Cherokee Freedman,  
at Fort Gibson, Indian Territory, on the 12th day of September,  
1901. The said George W. Vann has been called three times,  
and does not respond. It is further stated that the said  
George W. Vann was about the office of the Commission during  
the forenoon.

JAMES BYNUM, appearing before the Commission and being duly  
sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A. JAMES BYNUM, J. C. BYNUM, I am 54 years of age, going on 55.

Q. Your residence? A. Residence, North Little Rock.

Q. By what name was the town in which you live now known prior to  
its being known as North Little Rock? A. Argenta.

Q. How long have you resided in Argenta, or North Little Rock as it  
is now called? A. Since '66.

Q. Did you ever know a colored man in Argenta who went by the name  
of George W. McKamy? A. Yes, sir.

Q. About when did you first get acquainted with him, giving the  
year as near as you can? A. Well, as near as I can commit to memory,  
it must have been about '75 or '76 when I first knew McKamy there.

Q. Did he occupy any official position while he was in Argenta?

A. Yes, sir, he used to be constable there.

Q. Did you get acquainted with him before he was a constable or  
after he was constable? A. I got acquainted with him before he was  
a constable, but more after he became constable, that is, I saw him  
after he was a constable. I never had much to do with him after he  
became a constable he came before me once.

Q. Do you know whether or not he had a family in Argenta? A. Yes,

about how many his family consist of, as you know, John?

A. I really sir don't know, I am satisfied he had a wife and I think  
there was some three or four children, I won't be positive about that.

Q. Had he any boys in the family that you knew of? A. Yes, sir.

Q. Do you remember any of their names? A. One of them was James

and the other one, I know his name but I just can't recall it.

Q. How did you become acquainted with McKamy, were you together

boy James? A Yes, sir.

Q Where has he been living since you first knew McKamy? A James  
ran away from Argenta.

Mr. Faulds: I object to this. What has it got to do  
with George W. Vann?

Commission: The objection will be noted; let him answer  
the question.

A James ran away from McKamy, I suppose 20 years ago, maybe longer,  
he ran away from there, and he came back here --

Q Came back where? A Back to Argenta, about a year ago, or maybe  
more, that I first seen him being there.

Q Is he living in Argenta or North Little Rock now? A Yes, sir,  
he is living there.

Q Was you living in Argenta when what was known as the Brooks-  
Baxter war came up? A Yes, sir.

Q You remember about what year that was? A It was either '74  
or '75, I disremember which year it first started.

Q Had George W. McKamy been constable in the town of Argenta before  
the Brooks-Baxter war? A Yes, sir.

Q Do you remember now about how long? A No, sir, I don't just  
exactly remember how long he was constable before that came up.

Q Do you know whether or not he was living in Argenta when the  
Brooks-Baxter war came up? A Yes, sir, he was there when it came on.

Q About how long did he continue to live there after the Brooks-  
Baxter war, to the best of your knowledge? A Well, I don't know sir.

just exactly how long it was after that before he left there, I just  
don't commit to memory just exactly how long it was and what time  
he did leave there.

Q About how many years do you think he lived in Argenta? A He  
must have stayed there some three or four years anyhow to my knowledge,  
if not longer.

Q Do you remember what the name of the township that Argenta was  
in at that time: in your county you have townships where constables  
have jurisdiction; do you remember the name of your township?

A I think it was Eastman.

Q You have a township and have a constable and deputy constable?

A Yes, sir.

Q Was that Eastman township? A Yes, sir; I am mighty near cer-  
tain.

Q Have you seen the man George W. McKamy since you have been to  
this place? A Yes, sir.

Q Was the same man constable there prior to the Brooks-Baxter war?

A Yes, sir.

Q And the same man that acted there as constable? A Yes, sir.

Q You are quite sure he was acting as constable before the  
breaking out of the Brooks-Baxter war? A Yes, sir.

Mr. Faulds: Don't lead the witness that way.

Q Do you know whether or not he goes by the name of George W.  
McKamy here? A Well, I heard they call him George something else,  
Vann or something like that, here; I hear them call him that here.

Q Did he ever go by that name when he was living in Argenta?

A No, sir, he always went by the name of G. W. McKamy.

Q Did you live in Argenta when a certain colored woman known as  
Sally Green killed her husband? A Yes, sir, I was eight miles from  
there.

Q You know of the circumstance? A Yes, sir.

Q So you remember about what year that was she killed her husband?

A I think it was in 1883.

Q You think it was in the eighties? A Yes, sir, somewhere in  
the eighties.

Q Did you ever visit at McKamy's house? A Well, no sir.

Q Well, sir, I don't remember of visiting there, I might  
have been there, I don't commit to memory whether I was or not.

Q I want to know whether you were ever at his house, visiting there?  
A I can't say really now positive I was at his house; I have been by the place where he used to live, but whether I have been in the house I can't say; he used to live there close by a family that I used to visit, a good deal; they were all in the same yard.

Q You don't know what year that was you first saw him there?

A I am not positive whether it was '73 or '4 that I first got acquainted with McKamy.

Q Are you positive it wasn't 1875? A Well, I think it was before that, according to my best judgment, that I got acquainted with him.

Q When you say the Brooks-Baxter war broke out? A Well, I am not positive about what year that was.

Q You were living there in Argenta when it broke out? A Yes, sir, I have made that my home since '65.

Q Did you have anything to do with that war? A No, sir.

Q And you say McKamy was acting as constable there? A Yes, sir.

Q Was he acting as Justice of the Peace? A No, sir.

Q Do you know whether he was appointed or elected? A He was appointed.

Q What was the name of the Governor at the time that war was going on; Hadley? A Yes, sir, Hadley was the man that appointed him; there was such a wrangling among the governors I don't remember who did hold, I know there was a wrangling between Brooks and Baxter and finally Baxter came out, seem then everybody got to fighting, but just how that tangle was, of course I was a little wild at that time, I don't remember all about it.

Q Governor Hadley was the man that appointed him? A Yes, sir.

Q There was a great many colored people taken out of the territory over there in that war, from out of the Territory? A I don't know sir, that there was; there was a good many brought from down between Fort Smith and Little Rock, carried down there, but I don't know whether any came out of the Territory or not; I know some people come down from between Fort Smith and Little Rock by the same name I am, belonged to the Bynum family down there, but I never got acquainted with any came from the Nation; they might have come, I don't say they didn't, but I never got acquainted with any.

Q Venn was married at that time, was he? A Yes, sir.

Q How how often would you see him there? A Oh while he was constable I used to see him often times there.

Q When he wasn't constable, did you see him often? A I didn't know so much about him; now when he was constable I often seen him.

Q When he wasn't constable, there would elapse a great length of time sometimes when you wouldn't see him? A I can't say about that, I never paid much attention to him until he got to be an officer, and I was a wild boy and I had to keep an eye on the officer.

Q Did he ever arrest you? A Yes, sir.

Q What did he arrest you for? A He arrested me on the charge of being drunk there one night.

Q Who, McKamy? A Yes, sir. There was a white man killed there one night, and me and a bar keeper had some racket, and of course some white men came on that killed me, and he read out the warrant for me, but this night when I had the racket there I had it with the bar keeper, and McKamy - his deputy first came on and taken hold of me and I threw him loose - and McKamy came and taken me then and carried me over - I was running a shoe shop, and carried me over and locked me up in my own shop and put the key in his pocket.

Q What became of that charge, what was done with that? A They dispensed with it, found out I wasn't the man and didn't know anything about it.

Q And McKamy was the man that arrested you? A Yes, sir.

Q You were engaged at McKamy for arresting you? A No, sir, I considered him my friend.

Q Were you ever arrested for anything else? A No, sir, the

was the only thing.

Q You say when he ceased to act there as constable you lost track of him, don't know anything about him? A Yes, sir, I guess he left there; I don't know exactly how long after he ceased to be constable.

Q After he ceased to be constable he left there? A Yes, sir.

Q You didn't see anything of him after he ceased to be constable?

A I believe he has been back there, just been back and visited, tended to some business, and I have seen him once or twice; he has been back there.

Q That is after he ceased to be constable? A Yes, sir.

Q When did you say you first got acquainted with him; '73 or '74?

A Yes, sir.

Q Where did you first meet him? A Met him there in Argenta.

Q That the time the trouble was coming up, this war? A That was a little while before this war came up.

Q How long before, a month or so? A I really don't know.

Q Maybe a month or so? A Might have been just that long and might have been longer, I can't say.

Q You don't know? A I can't say.

Q So that your acquaintance with him there in Argenta is confined nearly altogether to the time that he acted as constable? A Yes, sir, more particularly, I knew him well then and was better acquainted with him; it behooved me to keep my eyes on the officers.

Q You were watching the officers? A Yes, sir.

Q You were afraid of them? A I was sorter shy of them.

Q You got drunk occasionally? A Yes, sir.

Q Kind of a whiskey fellow then? A Yes, sir.

Q Got better sense now? A Oh yes, sir, quit altogether.

Mr. Davenport: John, how long after he ceased to act as constable did he live there in Argenta? A I really don't know, sir, just exactly how long he did stay there after he ceased to act as constable.

Q Do you know whether or not he lived there any time after he quit acting as constable? A Well, yes, sir, I know he stayed around there a short while, I don't know just exactly how long.

Q You spoke a moment ago he lived in the yard with a family you visited quite often; what was that family named? A He lived in a yard they called the old King residence, where a man named LaMoyné used to live.

Q Was that the family you had reference to? A Yes, sir, I used to visit a great deal.

Mr. Faulds: You know where McKamy came from when he came to Arkansas? A No, sir, to my best knowledge though he came from the east somewhere, from one of those eastern states, to Argenta, I don't know where originally.

Mr. Davenport: You always understood he came from some of the states east of Arkansas? A Yes, sir.

Mr. Faulds: I object to that.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in testimony a certificate from the county court of Pulaski County, Arkansas, showing the date of the appointment of George N. McKamy as constable for Eastman Township, State of Arkansas, county of Pulaski.

Mr. Faulds: I have one of those, we don't know whether it is the same as this, we are going to offer in evidence.

(Document described above admitted without objection.)

Mr. Davenport: I also desire to introduce a certified copy of the judgment and order of ouster, entered by the dis-

cuit Court of Pulaski County, State of Arkansas, in the case of Joseph Brooks, Plaintiff, against Elisha Baxter.

Mr. Faulds: I object to that; what has it got to do with this case?

Mr. Davenport: It shows when Mr. Brooks and Mr. Baxter's war came on; I propose to show the war followed the entering of that order, and that is the best way of proving when the order was entered.

Mr. Faulds: I object to this, as incompetent, irrelevant and immaterial, and nothing to do with the case whatever.

Commission: The objection will be noted and the document will be filed.

Mr. Faulds: No proceedings in a suit between parties, in which George W. Vann wasn't a party, would be competent against him.

Mr. Davenport: It is offered for the purpose of showing by the best testimony when the controversy arose over the Governor's office between Joseph Brooks, who was contending for the office of Governor against Elisha Baxter, who was the incumbent and acting Governor, being the first record upon which they went into the court, in order that subsequent testimony may be introduced to prove when the war known as the Brooks-Baxter war, in the state of Arkansas, came up.

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W. R. F. PAYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence? A My name is W. R. F. Payne; my age is 47 next birthday.

Mr. Faulds: Were you listening to the evidence of this former witness? A No, sir; my residence is Argenta, or Little Rock.

Mr. Davenport: How long have you resided in Argenta, or North Little Rock, Mr. Payne? A 21 years.

Q Was you residing in there when what was known as the Brooks-Baxter war took place? A Yes, sir.

Q Were you residing in Argenta in the eighties? A Yes, sir.

Q At any time during the eighties did you hold any official position in the town of Argenta, Arkansas? A Yes, sir, I did.

Q What position was it you held? A I was constable there.

Q In what township; or what was known as a township at that time?

A It was Hill Township then, but it was a part of Eastman; it was cut off of Eastman; Eastman was divided in '84, and in April, '85, I went in the constable's office and remained there until the 17th of September, '88.

Q During the time you were constable, who acted with you, if anyone?

A A. M. Doty.

Q Is Mr. Doty dead or living? A He is dead.

Q During that time, was a colored man by the name of George McKamy constable? A No, sir, he wasn't, he held no position there in that township.

Q Do you remember the circumstance of a colored woman having killed her husband, whose name was then Annie Greer, who now is Annie Green?

A Yes, sir, I knew Annie Greer when she lived there and know when she killed her husband.

Q Have you seen her since you came up here?

Mr. Faulds: I object to that as immaterial.

Mr. Davenport: The representatives of the Cherokee Nation offer it for the purpose of contradicting the applicant. The applicant has testified that he was constable at the time this transaction took place, and that he made the arrest.

Commission: The objection will be noted and the witness will be permitted to answer the question.

Mr. Faulds: I would desire to further state that you have no right to contradict the witness on an immaterial

matter, even if what you say is true.

A Well I met Annie, that I knew by Annie Greer in 1886 when this happened; in the early part of '88 I think when she killed her husband.

Q Who made the arrest in that case? A Mr. and Mr. Doty made the arrest, Mr. A. M. Doty, we were together.

Q Was George W. McKamy about here, have any part in the arrest?

A He took no part in the arrest, I don't know where he was at that time; he taken no part in the arrest, had nothing to do in any manner with the constable's office in the township at that time.

Q Do you know the year the Brooks-Barter war took place? A I only know it from history; my impression is it was in '74, but I wasn't in the state at that time, I was in Mississippi, I lived there.

Mr. Paulds: Did you know McKamy? A I don't remember him, I don't think I was acquainted with him at any time.

Q Do you know him now? A No, sir, I don't think that I know him.

Q You would not know the man if you saw him? A I saw the man that was pointed out to me as McKamy, but what I want you to understand is I don't remember anything about him, only seeing him, I have no acquaintance with him that I recollect.

Q What year was this you say you arrested this man? A This woman; it was in '86, early part of '86 when this happened.

Q Well, this was a different transaction altogether you are speaking of, this arrest you made. A I am speaking about the arrest of the woman when she killed her husband.

Q Was it her husband she killed? A Yes, sir; that is what she was arrested and tried and acquitted for, killing her husband; it was her husband that was killed.

Q You are sure of that, are you? A Yes, sir.

Q And that was in '88? A Yes, sir, it was sometime in the early part of '88, I don't recollect the dates particularly, only I knew it was in the early part of 1886.

Q You never saw McKamy then in Argenta at all? A I don't remember if I ever did.

Q Don't know that he ever lived there? A No, sir, I don't know anything of that kind.

Q Don't know that he acted as constable there? A Not of my own personal knowledge I don't; when he acted as constable was before I came there; I knew that from hearsay, but not from my own personal knowledge.

Mr. Davenport: The representative of the Cherokee Nation now offer in evidence a certified copy of the indictment and judgment in the case of the State of Arkansas against Annie Greer.

Mr. Paulds: Why this is a different case entirely that you are bringing up here; I object to this; the applicant is no party to this judgment and it cannot be evidence against him; incompetent.

Mr. Davenport: The representative of the Cherokee Nation offer the certified copy of the indictment and judgment for the purpose of contradicting the applicant, and for the purpose of showing that the transaction of the killing of the husband of Annie Greer by her took place more than 12 years after the applicant claims he resided in Argenta, notwithstanding he claims he made the arrest.

Commission: The document will be duly filed.

Mr. LA MOYNE, appearing before the Commission and being duly sworn and examined, testified as follows:



Mr. Davenport: State your name, age and place of residence?

A My place of residence, Argenta.

Q What is your name? A Mat Hhloyno.

Q Now your age? A 48 years old.

Q Your residence? A Argenta, my residence is.

Q How long have you resided in Argenta? A Been there ever since October 15, 1868, came there the 15th day of October, 1868.

Q Is that town known by any other name but Argenta? A No, now it is known as not as Argenta, it is in the ward now, it is the Eighth Ward.

Q Eighth Ward of what? A Little Rock.

Q Mat, did you ever know a colored man down there in Argenta, when it was Argenta, by the name of George W. McKamy? A Yes, sir.

Q Have you seen that man since you came up here? A Yes, sir.

Q Do you know what name he goes by up here? A No, sir, I don't know what name he goes by.

Q He talk to you this morning? A No, sir, he haven't said a word to me, I haven't spoke to him.

Q Did you ever know him by any other name in Argenta but George W. McKamy? A No, sir.

Q About how long ago did you get acquainted with him, as near as you can remember? A It was in '72, either the first part of latter part of '72 I got acquainted with him; he lived in adjoining yards right with me and my father.

Q Did he ever occupy any official position down there? A Yes sir.

Q What was that? A Constable.

Q Was you acquainted with him before he was appointed constable or after he was appointed constable? A Before he was appointed constable.

Q About how long before? A I think his appointment was about in '73 sometime, he came to live there in adjoining yards with us in '72, the latter part of that, and shortly after that he was appointed, I think was when.

Q Did you ever have any conversation with him, or hear any conversation with him, with reference to where he came from when he came to Argenta? A No, sir, I heard him tell --

Mr. Paulde: I object to that.

A I never heard him say where he came from before he came there.

Q Do you remember anything about a war down there, known as the Brooks-Baxter war? A Yes, sir.

Q When did that take place? A That was in '74, along in '74.

Q Was that after George was appointed constable, or before?

A Before; after he was appointed constable.

Q He was acting constable before the war? A Before the Brooks-Baxter war, yes, sir.

Q And you think that war was in '74? A Yes, sir.

Q Now then, about how long did he stay there after the war; do you remember when he left? A After the Brooks-Baxter war, no, sir, I can't designate how long he stayed there.

Q Did he stay there any time, to your knowledge? A Yes, sir, after the war he stayed there sometime.

Q Do you remember any circumstance connected with his leaving, or anything that caused you to know anything about his leaving? A Yes, sir, I believe I can state this; that he lived right there after that at his mother-in-law, Mrs. Sarah Roach was his mother-in-law, and along about that time he was talking about leaving and sent for her son to come and assist the old lady because he was going to leave.

Q What was his son's name? A Ed Roach was the son's name.

Q You know his family? A Yes, sir, I played with them.

Q Did he have his family there with him in Argenta? A Yes, sir.

Q About what constituted the members of his family, as near as you can come? A He had two sons and a daughter, one daughter died there.

Almyra she was there, McKamy was her name.

Q Do you remember the other ~~Maximilian~~ daughters name? A Let's see, the other one's name, I can't exactly remember the other one's name.

Q What was the sons named? A Jim and Newt.

Q Do you know where Jim is now? A Yes, sir.

Q Where is Jim? A Down there right in Little Rock.

Q About how long has Jim lived there? A Jim has been living there about a year, nearly a year since he has been back; Jim has been away some time.

Mr. Faulds: I object to that, it is immaterial in this case.

Mr. Faulds: Are not constables elected over there now? A Now you mean?

Q Yes? A Yes, sir.

Q They run for that position and are voted for? A Yes, sir.

Q That has been the practice ever since the Brooks-Baxter war?

A Yes, sir, I believe it has.

Q But at the time of this war they were appointed by the Governor; Governor Hadley appointed a number of men to act as constables? A Yes, well McKamy was appointed there.

Q That is, he was appointed by Governor Hadley; well you say he just came there and then he began to act as constable? A No, sir, I didn't say he just came there.

Q Well, how long was he there? A I can't just designate the time he was, but it was something, let's see, something over a year, something more or less that he was been there, but I don't know just exactly the time, I can't tell.

Q Did you ever see him doing any work there besides act as constable? A Yes, sir, he run a little eating house there; he never was much of a man for working.

Q Never was much of a man to work? A He was a pretty sharp man, had other ways of living I suppose; he run an eating house there.

Q Was that the time he acted as constable too? A Well he run a little sheebang during the time he was constable.

Q Did you ever eat there? A I don't remember eating any meals there at all, I didn't eat there, I had a home.

Q He was carrying on a thriving business, acting as constable and running an eating house? A I suppose that is what he was doing, running a little house or something.

Q You live over there now, do you? A Yes, sir.

Q Ever get into any trouble over there? A No, sir, I haven't been in any serious trouble any time.

Q Been arrested? A Let's see; no, sir, I have never been arrested since I have been in there, I don't think.

Q Before you came in there? A No, sir.

Q Never arrested in your life; now tell the truth? A Let's see if I ever been arrested; I don't think I was only the ruling there they made once in the past, my father had it done, tried me for not working the roads, public roads.

Q You were lazy, weren't you? A No, I didn't want to work and I didn't suppose they could make me work, but they did make me.

Q How old did you say you were, 48? A Yes, sir, I am going on 48, in my 48th year.

Q Were you married when McKamy was there as constable? A No, sir.

Q What makes you appoint out year 1872, what makes you put it at that year? A That was the time we lived there on the place, we were living at the King place.

Q You say you think it was that year? A Well, I know it is the year we lived there, I know that was the time, the first time I got acquainted with him.

Q Can you read and write? A Yes, sir.

Q Did you see much of him after he quit that position of constable?

A That do you mean see much of him?

Q Did you see him around there? A Oh yes, sir, I seen him several

times, at his house several times.

Q How long afterwards do you say he went away? A I don't know, I can't designate the time he left there.

CHARLES TOLLIVER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence?

A CHARLES TOLLIVER: 47 years of age; live at North Little Rock, Argenta, used to be.

Q How long have you lived in North Little Rock? A Ever since '90.

Q Since you have been living in Little Rock, or Argenta as it was some years ago, did you ever know a man by the name of George W. McKamy, a colored man? A George McKamy, yes, sir.

Q About when, as near as you can remember, did you get acquainted with him? A Well, they emigrated a great deal here from Alabama, came here, about four or five hundred colored people, and he came along about that time, about '71 or '2, along about that time.

Q Did you ever hear him say where he came from when he came there?

A He used to be a constable, and he is a great man for roughness, and he was a great man for imposition, and he used to speak to a man and say, don't bother South Carolina, or North Carolina, and put his hand back of his coat and show his gun.

Q He left it to be understood he came from there - - -

Mr. Gaulder: I object to that.

Q - - in that country where they made men stand around with their guns? A Yes, sir.

Q Did he occupy any official position down there? A He did, yes, sir.

Q What was he known as? A Constable.

Q Do you know what the name of the township was, the name it was known by at that time? A Well, it was Eastman township, it stands that way I suppose.

Q Now, did you know him before he appointed constable, or after he was appointed constable? A That was before he was appointed.

Q About how long before he was appointed constable did you get acquainted with him? A Before Brooks-Baxter war I think he was arresting people around there and beating up people.

Q I am speaking with reference to his being constable, or acting constable? A He was acting constable at the time.

Q He had his family there? A Yes, sir.

Q What was his boys name? A Jim McKamy and Newt, and I have forgot the rest of the children, he had some grandchildren, and one drank some whiskey and died; he lived there above Mat LaMoynne and McNeal lived on the other side of him.

Q Do you know anything about his son now, where he is? Newt?

A He is in Texarkana, somewhere around in there.

Q Do you know where Jim is? A Lives in Argenta.

Q Does his family live there? A Just married about a month or two ago, yes, sir.

Q When was the Brooks-Baxter war? A In the spring of '74.

Q Was McKamy there after the Brooks-Baxter war? A I don't know how long he was there, he had to run away from there, though, and I think it was in '74.

Q What did he run away for? A I don't know, they got after him and ran him away.

Q Did you ever know him in Argenta by any other name other than George W. McKamy? A Never did know nothing but George McKamy.

Q When did you first learn that he ever had any other name? A I was in Indian Territory, and he was living there.

Q What was that? A It was in '93, I lived here three years and six months.

Q Were you up in this country yourself? A Yes, sir.

Q At what point? A Fort Smith

Q You found then he went by another name? A Yes, sir.  
Q Did you learn what that name was? A Yarn, or something.  
Q Have you seen the man, since you came here, that was known as George McKamy in Argenta? A Yes, sir, I saw him this morning, same great big black fellow, and he has got a son the same size he is.  
Q And the same man you knew down there that acted as constable?  
A Yes, sir.  
Q And that was before the Brooks-Baxter war that he acted down there?

Mr. Faulds: He didn't say that.  
A In '74 when I first knew him being a constable.  
Q Did you now say you knew him when he was appointed constable?  
A I didn't say I knew him before he was appointed constable.  
Mr. Faulds: He was acting as constable when you first knew him, got acquainted with him, McKamy was acting as constable when you first got acquainted with him? A How could he be, he wasn't no constable then; how could he be constable in '71 or '72, how could he be a constable then.  
Q You lived in Little Rock since '69? A That is right, yes.  
Q How old were you when you went there? A I don't have any limit of that at all, I didn't tell that.  
Q Well, how old are you now? A I told you I was 47.  
Q How old would you be when you went there? A You can figure it up there.

Q You can't figure it out? A You can figure it out too can't you?  
Q Well, if I took the time? A Well, that is your business; I told you I am 47 and you can figure it out.  
\*Q Do you know when the war between the United States and the Confederacy broke out? A No more than what I have seen folks there that was in time of the war, at my mistress's house.  
Q What year was it the war started out? A I can't figure it out, I know they were there during the war, at my place.  
Q Do you know when the war started? A They say it started in '61, I don't know when it started.  
Q When did it end? A I don't know, I can't tell you.  
Q You don't know that? A Some folks say it ended about '65, I don't know, I am not looking at them things at all.  
Q Well how long did you know McKamy over there? A Well you can count up from '71 or '72 to '74, you can tell when that was.  
Q He left there in '74 did he? A Somewhere in '74 or '75 he run away from there, I don't know how he got away.  
Q You say it was sometime in '72, '74 or '75 he went away? A No, sir, I didn't say that, I say between '74 and '75 after the Brooks Baxter war that these fellows got after him and was going to kill him.  
Q Did he leave there right after the Brooks-Baxter war? A Yes, sir.  
Q Were you well acquainted with him over there? did you visit his place? A I told you I stayed around his house, I played with his children, I guess I did, I stayed there with them and played with them all the time.

Q Do you elect your constables over there now? A I don't know how these white folks do.  
Q You are living over there now? A There is no negroes over there now, there are all white folks, they do as they please.  
Q They elect them? A I don't know, the man is in the place.  
Q Don't you have any elections over there? A I don't know anything about that.  
Q Do they elect the white people? A I guess they do, sometimes some or something.  
Q Do you ever vote there? A Didn't I tell you they don't allow anything like that; they put them in anyway, they appoint them somehow.  
Q They treat you colored people badly over there. Did you ever vote over there yourself? A I have voted over there, for President.

Q Don't vote for anything else but President? A No need to vote for anything else but President.

Commission (to stenographer): Don't put all those immaterial questions down.

Mr. Davenport: Do you know Annie Green? A That is my sister in law.

Q Did you know her at the time she had the trouble with her husband down there? A Yes, sir.

Q What year was that? A I don't know, it was in '86 or '7 somewhere in there.

Q Was George McKamy acting constable at that time? A No, sir.

Q Do you know what her name is now? A Annie Green.

Q Do you know of her having any trouble there in Argenta and being arrested and accused of killing her husband other than that time?

A No, sir, she has never killed anyone but that one.

Q Was she ever accused of killing anyone but that? A No, sir, she came clear of that one.

FANNIE MOORMAN, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A Fannie Moorman.

Q How your age and place of residence? A I live in Argenta.

Q How old are you? A About 45.

Q What name is Argenta known by now, if any other than Argenta?

A Part of it is called North Little Rock, and the place I live in is not incorporated, it is called Military Heights.

Q How long have you lived in Argenta and near Argenta? A I have lived right around in Argenta and near Argenta, I was raised there.

Q Well, since you have been big enough to recollect, did you ever know a colored man down there named George McKamy? A Yes, sir.

Q About how long have you known him? A I have been knowing George McKamy quite a while, a great while.

Q Did you ever know him by any other name than George W. McKamy, or George McKamy? A No, sir.

Q Have you seen that man since you came up here? A Yes, sir, several times since I have been here.

Q Is he the same man you knew down there as George W. McKamy?

A Yes, sir.

Q Do you know what name he is going by now? A I have heard several times since I have been up here.

Q Is it represented to you that he goes by the name of George W. Fann up here? A Yes, sir.

Q Have you seen that man this morning? A Yes, sir, I saw him several times this morning when I was up here this morning he was was there under the trees with his little black grip sack.

Q Did he ever hold any official position down there? A Yes, sir, he was constable down there.

Q Do you remember the township or not, or what it was called?

A No, sir, it is called - -

Q How long did you know him, if at all, before he was acting constable? A Yes, sir, I knew him a while before he was acting constable.

Q About how long? A About the time of the year I suppose, something like along in there.

Q Something like a year? A Yes, sir, something like that.

Q Do you know what was known and called in your country at the time McKamy was? A Yes, sir.

Q Was George McKamy acting constable before the Brooks-Baxter war broke out? A Yes, sir, he was a constable before the Brooks-Baxter war.

Q Do you remember about what year the Brooks-Baxter war broke out?

A I do not remember about what year the Brooks-Baxter war broke out.

A No, sir, I don't remember the year.

Q You had known him something like a year before he was appointed constable? A Yes, sir.

Q And he was acting constable before the war broke out? A Yes, sir, was acting constable before the war broke out.

Q About how many years altogether, from the first you got acquainted with him, did you know him, till he left Argenta? A In all till he left Argenta, as high as three or four years anyway, I suppose.

Q Did he make any crops or work around Argenta? A Yes, sir, he made two or three crops around there.

Q Had he made any crops before the Brooks-Baxter war, do you know? A Yes, sir, before the Brooks-Baxter war.

Mr. Faulds: That is a leading question.

Q Near whom did he live when he was living in Argenta, if you remember the names of the families? A He lived a good while, I can't say how long, by the side of Nat Lakoyne.

Q That the gentleman who testified a while ago? A Yes, sir; and then he lived a good while by Mandy Yarbrough.

Q Now what relation is Mandy Yarbrough to Annie Green now, who was formerly Annie Greer, if she is any? A She is her mother.

Q Did you know George W. McKamy's family when they lived in Argenta? A Yes, sir, I was very well acquainted with his wife, his mother-in-law, his brother-in-law, and knew the children, some of the children I knew the names; now it has been so long I can't call all the children's names.

Q What was some of the children's names you remember? A He had a boy named Jim McKamy, and he had another Luke, and he had a girl named Mary Jane, and his wife was Mary Jane.

A Did he have any other girls, you remember? A Yes, sir, one or two, and I disremember the names.

Q Do you know where Jim McKamy and his family reside? A About a mile or a mile and a half from me in Argenta.

Mr. Faulds: Did you ever apply to be enrolled as a Cherokee Freedman? A Did I ever; no, sir.

Q You are a colored woman, aren't you? A Yes, sir, I am a colored woman.

Q Were you well acquainted with old George over there? A George McKamy; yes, sir, I was pretty well acquainted with him.

Q Were you married at the time you knew him? A Yes, sir.

Q When, ~~before~~ this disturbance first started, ~~before~~ this Brooks-Baxter war? A Well now I can't tell you anything about the starting of that, I only aim to tell you the truth.

Q How long did it continue? A You may be sure a woman can't really tell you how long it continued, because time of the shooting a woman would be some other place.

Q Any actual fighting over there? A Yes, sir, a good deal of shooting.

Q Was anybody killed? A Yes, sir, I always heard someone got killed, not that I saw that.

Q There was a great deal of disturbance, great deal of talk about the war? A Yes, sir, there was a good deal of talk when the two men Brooks and Baxter, this one wanted the seat and the other wanted the seat, and there was a great deal of talk in that direction.

Q It was during this talk that McKamy began to act as constable, wasn't it? A During this talk he began to act as constable.

Q This talk about having trouble between these two men? A Well I don't know, I can't say, I don't know whether the time of this great talk was about the war or not.

Q How long did he act there as constable? A Well, I don't know, he

acted some little time, I don't know, I can't really say, not expecting anything like this kind would ever come up.

Q Did you ever know McKamy before you saw him there? A Before I saw him in Argenta, no, sir, never till I saw him in Argenta.

Q He went away from there, did he? A Yes, sir, he run - he went away from there.

Q You remember the date he went away? A No, sir, I don't know anything about the date that he went away only I know when the great talk was he had run away from there.

Q What did he run away from there for? A I don't really know what it was he ran off for, but I know he run away and slipped back in there to get his family.

Q You ever seen his wife since she left there? A No, sir, never seen her since she left there; since she left there, I heard him come in on an excursion and they passed my house, but I never saw him, and I spoke and says, there goes Mrs. McKamy, but I didn't speak to her.

Q When this Brooks-Baxter was war ever did they elect their constables or appoint them, do you know that? A No, sir, only I know when the constables would come out like that, and they would say so and so is constable.

Q They don't allow you to vote down there? A No, sir, they don't allow us to have anything to do with politics, and I have less to do than anyone.

Q You don't know how many years McKamy stayed there? A No, sir, but I know he was there some time, between two and three years, he made two or three crops there and you can't make two or three crops in one year.

Q He made a crop at the same time he was acting as constable?

A I don't know whether he did, don't know whether he was acting as constable and making a crop.

Q You can't swear he wasn't making a crop at the time he was acting as constable, or having others to make a crop for him? A I don't know whether he was making a crop or not.

Mr. Davenport: I don't know whether I understood you when you answered Mr. Paulde's question as to whether or not you were married when you got acquainted with McKamy? A I remember him after I was married and I told him yesterday.

Q Do you mean by that you were married when you first knew McKamy's family? A No, sir, when I first knew McKamy's family I wasn't married then.

J. J. BEAVERS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence? A My name is J. J. Beavers; 45 years old, and I am now residing at Muskogee, Indian Territory.

Q Where did you formerly live before going to Muskogee? A I lived at Benton, Arkansas.

Q How long did you live in the State of Arkansas before going to Muskogee? A All my life.

Q You were living in the State of Arkansas then at the breaking out of what was known as the Brooks-Baxter war? A Yes, sir.

Q I wish you would state to us as near as you can, the date of the Brooks-Baxter war? A I don't know the exact date, of course; it was sometime in the spring of 1874.

Mr. Paulde: You say the actual fighting began in the spring of 1874? A Yes, sir.

Q There was a great disturbance before that, and talk of a conflict? A No, sir, the writ of habeas corpus that Broome obtained against Baxter came as a thunder clap; nobody was expecting it at all, I

wasn't and there were others at my town were not expecting it at all.

Q Well this suit had been brought and there must have been some commotion when this suit was first begun? A Well, I am only speaking from information as to what I know as to how that matter went along, I know from information how the matter went along, but of course I wasn't present when the suit was begun or anything of that kind.

Q How far is this place, Benton, from Little Rock? A 23 miles.

Q Do you know whether they elected their constables over there or appointed them? A Now?

Q Yes? A They elect them, since the constitution of 1874, which was adopted in the fall of '74, and before that they were appointed.

Q And before that they were appointed you say? A Yes, sir.

Q And ever since '74 they have been elected? A Yes, sir; of course when there are vacancies they are appointed; that amendment was adopted to the constitution of our state two or four years ago, so that they are now appointed when there is a vacancy.

Mr. Davenport: From the war up to 1874, the adoption of the Constitution, they were appointed -- constables? A Yes, sir, that is my understanding.

Q Was there or was there not any demonstration of war between the Brooks party and the Baxter party in the State of Arkansas, until after Judge Whitcomb issued the writ of ouster against Elisha Baxter?

A It wasn't Whitcomb, it was Whylock; not, sir, not to my knowledge, I was in that one right straight and I expect I would have been in it if there had been one; of course I can give my understanding of how I understood the matter was to be determined, but that probably wouldn't be competent.

AMANDA YARBROUGH, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name? A Amanda Yarbrough.

Q Where do you reside? A Willis Street, North Van Buren, in Argenta, No. 700.

Q How old are you? A I put myself to be 54 or '5.

Q Don't exactly know how old you are? A No, sir, I don't exactly know.

Q How long have you resided in Argenta, or North Little Rock?

A Well, it is all the same, it is in Argenta.

Q How long have you lived there? A I can't tell you exactly how many years I have; at the old home place where I am living, I have been living there 23 or 22 years, where my husband died and left me.

Q Did you live at any other place in Argenta before you moved to the place you are now living? A Yes, sir, I lived down on the river near the school house when I first settled in Argenta.

Q When you first lived on the river at the school house, did any colored man by the name of George W. McKamy live near you? A Yes, sir.

Q About when was it you lived down on the river there, about how many years ago? A Well, it has been something in the neighborhood of where I tell you, I moved from there right up there to the crossing and made a crop there, right there, and I moved from the crossing right at the old home place.

Q Did this man George W. McKamy, that lived near you, ever occupy any official position in Argenta, or North Little Rock? A Yes, sir, he was a constable, and then he run a kinder saloon in Argenta.

Q Did you get acquainted with him before he was constable? A Lord, yes sir.

Q How long had you known him before he was appointed constable?

A It was several years, I guess, I can't designate the years.

Q What, if anything, in the way of labor, did he do before he was appointed constable? A He made I think two or three crops.

Q On whose place did he make a crop? A I can't tell the man's



name, it was an old settler near the Choctaw depot.

Q You know him then sometime before he was appointed constable?

A Yes, sir.

Q Can you remember when the Brooks-Baxter war came on? A Yes, sir, a little bit, I can't remember what year, I think it was '74, in the spring.

Q Was George W. McKamy acting as constable before the war? A Yes, sir.

Q How long did he stay there, do you know, after the Brooks-Baxter war? A I can't testinate the time, but he didn't leave there till after the war.

Q Did you ever have a conversation with George McKamy, or hear him have any conversation with anyone else in your present, as to where he came from when he moved to Argenta? A Yes, sir.

Q Where did he say he came from? A From Alabama, from Stevenson, Alabama, and Roach Cave. He has got a brother-in-law down there now.

Q What is the name of his brother? A Ed Roach.

Q Did you know George W. McKamy's family? A Mary Jane?

Q I don't know which one? A Well, that is his wife, old Aunt Sallie Roach's daughter.

Q Did he have any children? A Yes, sir, has Jim and one named Mary Jane, and one named Almyra, and Newt, had two grandchildren there.

Q Well, have you seen the man since you came up here that was known there as George W. McKamy? A I seen him this morning.

Q Is that the gentleman sitting behind you (indicating)? A Yes, sir, he was down at my house not long ago.

Q What was it you said about his being at your house not long ago?

A When he was at my house, he was down I suppose, I don't know his business, but he called there I know.

Q When was it he called? A It was in this month I think.

Q The last few weeks? A Yes, sir, it hasn't been over three weeks; in this month or the last of last month when he was at my house on a Sunday morning, him and his oldest son.

Q What is his son's name? A Jim!

Q Where is Jim living? A I don't know where Jim is living at, but Jim came up the road last Friday night or Saturday night.

Q Where had he been living prior to that time? A Right there.

Q In what country? A Right there close to me.

Q In Little Rock? A No, sir, Argenta, I don't live in Little Rock, north of Little Rock, the river divides us.

Q Did you ever know George W. McKamy, or the man known as McKamy, by any other name? A No, sir, when he came from Alabama he came there as George W. McKamy.

Q What was he when he lived there? A That was what he was, McKamy.

Q When he came to your house three or four weeks ago, what name was he going by? A I called him McKamy like I always did.

Q Did he say anything about his name being changed? A No, sir.

Q Have you heard since you came up here about his name being changed? A Yes, sir, I got in an argument with some ladies up here.

Q What name did you hear he was known by up here? A George Vann, that was a strange name to me, I didn't know him as that.

Q Have you a daughter named Annie? A Yes, sir.

Q Was she known at one time as Annie Green? A Yes, sir.

Q What is her name now? A Green.

Q She had some trouble with her husband once? A Yes, sir, and killed him too.

Q Can you tell that year? A No, sir.

Q He was acting constable of the township at that time? A Mr. Doby and Mr. Rube Payne; he is our doors now.

Q Do you know who made the arrest in that case? A Yes, sir, Mr. Doby and Mr. Rube Payne I told you.

Q Had George McKamy there anything to do with it? A No, sir, he wasn't there, there ain't no use talking that way, he wasn't there, he

had done left there after the Brooks and Baxter war, I told you.

Q What he was down there the other week, was anything said about his claim up here for citizenship, as a freedman of the Cherokee Nation, did he say anything about that? A He said a little about it, talked to somebody else, said he had 100 acres of the best land up here, and I thought if they gave him that much that they ought to give me a little, because I am a poor widow woman.

Mr. Faulds: Did you ever apply to be enrolled as a Cherokee Freedman? A I don't know how.

Q Don't know how? A No, sir.

Q Your daughter Annie applied, didn't she? A I don't know what she done, I haven't been up here to see her, I haven't seen her in ten years before Wednesday morning.

Q She always claimed to be a Cherokee Freedman? A I don't know what she is, I know what I am.

Q You are colored? A Yes, sir, born colored and never changed.

Q You were born in Tennessee? A Yes, sir, and at Anderson Station, ten miles above Stevenson, Alabama; old John Anderson.

Q When did you come to this country? A Mister, it has been so long I just can't tell you, I have been here for a time.

Q Did you come here before the war? A I come here since I have been freed, I never come here before any war, I never left home because I was afraid I would starve to death.

Q You came here after the war between the Confederacy and the United States?

Mr. Daynport: I would suggest you state she came to Arkansas.

Q You came to Arkansas from Tennessee after the war? A Yes, sir.

Q How long after the war? A I can't designate the years after the war, but I came here after the war, my father was the cause of my coming here, leaving home.

Q Was that five or six years after the war? A Yes, sir, somewhere along there.

Q Ten years after the war? A I can't tell you how many years after the war.

Q You have no idea how many years it was? A No, sir, I can't.

Q Might be ten years? A Yes, sir, and might have been longer, I can't tell you.

Q Probably longer than ten years? A I can't tell you how long it was, I didn't come here to tell any tale, I came here to tell the truth.

Q Where was the first place you ever saw McKamy? A In Argenta.

Q That is the first you ever saw him? A He came there to his mother-in-law's.

Q His mother-in-law was living there? A Yes, sir, lived right near me, right door neighbors to me, and Mat Lamoyne and Ed Kirby, and McKamy lived on the back and I lived on this corner near the school house, there is where he settled when he first come to Argenta.

Q Do you know what year that was in? A No, sir.

Q You can't know what year it was you saw him there in Argenta the first time? A No, sir, it was long before the war though, Brooks and Baxter war, and he left there after that. Yes he will tell you he lived right there by me door neighbors, his children and mine played together; when I came here I didn't bring but three children, neither.

Q How old is Annie? A She can tell you, her record is right at home, the youngest is 27, going on 28, he was 9 months old when I come to this country.

Q Did George McKamy, or George Vandy, marry his wife in Alabama?

A Mary Jane he did, yes sir, he brought Mary Jane to Argenta.

Q Went over there to get married and brought her to Argenta? A I don't know anything about going to get married, he didn't go over there he was over there.

- Q You see them start from Alabama? A No, sir, his brother-in-law —
- Q I am asking you about what you know? A I never saw him, I saw him after he moved there before he brought this wife with him, he brought Mary Jane with him to Argenta.
- Q Did you ever see him before he brought his wife there? A No, sir, I never seed him that I know of.
- Q Now when did he bring his wife there? A He brought his wife there when he came himself; I can't tell you when he came there, but he lived there, he lived there with the same wife, Mary Jane, that is all the wife I ever knew him to have.
- Q Were these crops he was making in the Cherokee Nation? A I never said no Cherokee Nation, I don't know anything about no Cherokee Nation; don't ask me that I don't know.
- Q Was he making crops over there at the time he was acting as constable? A He was in Argenta when he was acting as constable.
- Q I say, was he making crops? A He was running kinder of a restaurant.
- Q Wasn't he ~~acting~~ justice of the peace? A Henry Sutton and Squire Glass was ~~acting~~ justice of the peace.
- Q Wasn't George McKamy acting as justice of the peace over there? A I don't know anything about the justice of the peace, he was acting as constable, him and Charlie Humphreys.
- Q Your daughter Annie Green swore he was acting as Justice of the Peace in Argenta? A He was constable, I know that, Henry Sutton was justice of the peace; McKamy went out and arrested people.
- Q After McKamy went out, did you ever see him back? A Yes, sir, he was down there not long ago.
- Q Did you ever see him there in '85 and '87? A I don't know sir whether he was there or not, I don't remember it.
- Q Ever come around and talk to you? A No, sir, the first time I saw him to talk to him he came down there a few weeks ago.
- Q Didn't McKamy come down there and move his mother-in-law, Sallie Roach, up here in the Cherokee Nation? A McKamy was kinder scared to come down there, for some cause.
- Q Answer the question? A I never seed him come down there and move her up here.
- Q Do you know Sallie Roach? A She is dead, I can't know the dead.
- Q Where did she die? A They say she died up here at George McKamy's house.
- Q When did she leave there? A I don't know, I think he sent for her and her brother-in-law put her on and sent her up here to Fort Smith, I don't know that.
- Q How many years ago was it she left there? A I don't know.
- Q 15 years ago? A I don't know, I can't tell you.
- Q You want to get on the roll and get 160 acres of land? A If you are going to give it to me, I will take it.
- Q You think you are entitled to it? A I am entitled to all I can work for and that I can hold a claim to.

J. E. BOWERS, appearing before the Commission, and being duly sworn and examined, testified as follows:

- Mr. Hastings: What is your name? A J. E. Bowers.
- Q What is your age? A 63.
- Q Where do you live? A Muldrow, Indian Territory.
- Q Mr. Bowers, how far is Muldrow from Fort Smith, Arkansas? A Well it is about, at least 12 miles and a half.
- Q It is west, or a little north of west? A Fort Smith is nearly east of Muldrow.
- Q How long have you lived in the section of the country between Muldrow and Fort Smith, Arkansas? A 34 years.
- Q And you came there the next year, about two years after the war, in '67? A Yes, sir.

Q Where did you first locate, Mr. Bowers, when you first came there? A Right on the river bank opposite Fort Smith.

Q On the Cherokee Nation side? A Cherokee side.

Q What did you do for the first few years after the war? A Well, I was farming part of the time and was deputy marshal; that is, farming on a small scale and deputy marshal for about six years.

Q When did you move up above there; didn't you keep a boarding house up about half way between? A In '78 I moved up about nine miles west of Fort Smith on the Tuskegee and Fort Smith wagon road, the stage road, called the Nine Mile House.

Q Prior to that time, from '67 to '78 or '8 you lived between the Nine Mile House and Fort Smith? A I lived in the river bottom about between four and five miles above Fort Smith.

Mr. Pauls: I object to this testimony on the ground that this witness has already testified to the same effect.

Mr. Hastings: I don't reckon you know what we are going to bring out.

Commission: The objection will be noted and the witness permitted to answer the questions.

Q State whether or not you enjoyed an extensive acquaintance with the people around in that section of the country from 1867 for the six, eight, or ten years after the war? A Yes, sir, I did.

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

Q Did you ever know him by any other name? A Not from what I have heard, he had another name; I didn't know him by any other name only George Vann.

Q How far does he live from you now? A He lives about eight miles

Q How far does he live from that place, that Nine Mile House that you used to keep? A He didn't live in that country when I used to live at the Nine Mile House.

Q I mean how far does he live from that house now, not then?

A About six miles, or seven, when I became acquainted with him.

Q When did you first become acquainted with him? A Nine miles, it is eight miles.

Q I mean now; the question is, when did you first know George Vann, when did you first see him? A About '77 or '8; '77 I think it was.

Q You lived in that neighborhood from '67 to '77 did you? A Yes, in that part of the country.

Q State whether or not you knew all the families in that country between '67 and '77?

Mr. Pauls: I object to the question as leading.

Commission: Let him answer the question; the objection will be noted.

A I knew every colored man in that country down in that river bottom at that time, down from '67 to '75.

Q State whether or not this George W. Vann lived in that country between those dates? A I never knew him, never saw him there in that part of the country there during that time.

Q Was the country thickly settled at that time, Mr. Bowers? A No, very thinly settled.

Q State whether or not people noticed about strangers coming in there more than they do now?

Mr. Pauls: I object to that question as leading; that time is long about it.

Commission: The objection will be noted; let the question be answered.

Q State whether or not the people noticed the coming or going more than they do now? A They knew right off at that time of the coming in of strangers; there were more for white people in that

country at that time, and what colored people were in there at that time were Cherokee freedmen, and belonged in there.

Q Could this man George W. Vann lived there for ten years in that neighborhood without your knowing it? A No, sir, he couldn't.

Mr. Paulde: When did you say he was there? A In '67.

Q Where did you come from? A Lived over in Fort Smith

Q Once from Fort Smith over there in '67? A Yes, sir.

Q How long did you live at Fort Smith? A About a year and a half.

Q Just before you came over there to Muldrow? A Yes, sir.

Q Where did you come from to Fort Smith? A From Kansas City, in '66.

Q Came from Kansas City in '66? A Yes, sir.

Q Had you ever been in Fort Smith before you came there that time?

A Yes, sir, I was there during the war, I was a soldier.

Q What was your occupation in Fort Smith; do you remember? A No, not that time when I lived there, I was working for the government.

Q What occupation, what capacity were you working for the government? A Well I drove a six mule team a while, drove an eight mule team, and then I was made time keeper in the machine shop there of all the laborers and mechanics; that is the last job I had under the government.

Q You know all the colored people that came into Fort Smith at the time you were living there? A No, sir, I did not.

Q Do you know whether or not McKamy was a cook on the boat that carried soldiers up here in Fort Gibson time of the war? A No, sir, don't know anything about it, never heard about it.

Q Well, you testified before in this case, didn't you? A Yes, sir.

Q Just to those same facts? A Near the same.

Q You are here to swear the same thing over again, to make it all the stronger? A (No response.)

Q You say it was '72 you first got acquainted with McKamy? A When I first got acquainted with him was '77.

Q What was he doing then? A I don't know what he was doing then, he was down in the bottom doing something, I don't know what he was doing, I saw him there at the landing opposite Fort Smith.

Q Wasn't doing anything at all? A I don't know what he was doing.

Q What was his name, George Vann or McKamy? A I always heard him called George Vann.

Q Right there at the landing at Fort Smith? A Opposite Fort Smith, what we call the landing is the ferry landing on the Cherokee side.

Q Was he dressed up as a preacher or doctor or farmer? A I don't know whether he was dressed up as a farmer or preacher; I can't say.

I see him there talking around there.

Q You know him to be a preacher down there? A I have heard it said he was a preacher, I don't know it.

Q Well, you married a Cherokee Indian yourself, didn't you? A Yes, sir.

Q And she died? A Yes, sir.

Q Did you marry again? A Yes, sir.

Q Married a white woman? A Yes, sir.

Q And you are claiming citizenship still, aren't you? A Well, I haven't set up any claim to citizenship.

Q You intend to? A I don't know what I intend to do.

Mr. Hastings: We are not trying his case.

Q Well, didn't you tell on the other time that you were a citizen of the Cherokee Nation? A No, sir.

Comment: I don't think that should go in the record. We are not trying his case, as Mr. Hastings said.

Q Didn't you say in your testimony before you were a citizen?

No, sir, I did not.

Mr. Hastings: What official position do you hold now, if any? Comment: at Muldrow. Was postmaster there once before? A Postmaster under the War Department there once before, and going on five now under the

Present administration

Mr. Paulds: I object to this testimony, on the ground that the witness was called to testify to the same facts he testified to last spring

Mr. Hastings: The attorneys for the Cherokee Nation desire to serve notice on the applicant and his attorney that additional testimony on behalf of the Cherokee Nation will be taken before the Commission on to-morrow, September 12, between the hours of eight o'clock A. M. and five o'clock P. M.

Mr. Paulds: Well we might offer some. I give notice that we will offer some testimony to-morrow on the part of the applicant.

Mr. Paulds: The applicant offers in testimony the judgment of the United States Court at Fort Smith, Arkansas, Judge Parker presiding, in which George W. Vann was charged with cutting timber on Indian lands, and it became material to know whether or not he was a Cherokee citizen.

Mr. Hastings: You are making an argument; state what you offer and leave that out about the argument, and argue that later.

Commission: State briefly what you want to offer.

Mr. Paulds: We offer the record of the said court. The judgment is dated January 10, 1896, the record of the Court holding that George W. Vann is a citizen of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation objects to the introduction of the record, because the same was ex parte and the Cherokee Nation was not a party to it.

Commission: The objection is noted and the document will be filed.

Mr. Paulds: I desire to state that this judgment is evidence on two grounds, first -

Mr. Hastings: I will object to that; the record should be unnumbered with 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 complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 17th of September, 1901.

*M. D. Allen*

Supl. C.F.-D.#118.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
PORT GIBSON, I.T., SEPTEMBER 13, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Vann, et al., as Cherokee Freedmen, the following testimony is introduced on the part of the Cherokee Nation.

APPEARANCES:

Applicant present in person and by Attorney J. F. Faulds;  
W. W. Hastings, Attorney for Cherokee Nation.

DELIA A. BREWER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

- Q What is your name? A Delia A. Brewer.  
Q How old are you, Mrs. Brewer? A I am 67 years old, last February.  
Q What was your maiden name? A Delia A. Vann.  
Q What was your father's name? A Joseph Vann.  
Q Where did you live before the war? A I lived at Webbers Falls Canadian district.  
Q Is your father the same Vann that was blown up on a steam boat?  
A Yes, sir, he owned two steam boats.  
Q Where was he blown up? A Near Louisville on the Ohio river.  
Q You have some brothers and sisters? A I am all alone.  
Q I mean you did have? A Yes, sir, my mother had ten children.  
Q Did you have a brother by the name of Jim? A Yes, sir.  
Q Jim Vann? A Yes, sir.  
Q Was Jim Vann married? A Yes, sir, he married Araminta Ross.  
Q Where did Jim Vann live at the breaking out of the war? A I think he was living at Tahlequah.  
Q Was his wife living at that time? A Yes, sir.  
Q You were living at Webbers Falls? A Yes, sir.  
Q Were you married before the war? A Oh, yes, three children before the war.  
Q Had your brother, Jim Vann, any slaves that were freed?  
A Yes, sir.  
Q Do you remember their names? A I am so forgetful, I would know the names if they were called over; I remember the oldest negro woman named Hannah and Bill, but the children, I have forgotten the names. Yes, there was a child I owned a while, Jennie, and I think Amos bought her.  
Q Do you know this applicant over here who gives his name George W. Vann? A Is that his right there (referring to applicant)?  
Q Yes, Mr. W. A. No, sir.  
Q Did he ever belong to your brother, Jim Vann? A I guess not, Bill and Hannah was the oldest darkeys they drew from our estate and of course he would be about the age of Bill, he should be George Washington.  
Q Yes Mr. W. I told this court before that there was not but one George ever about our place, and I am the lady that owned him.  
Q You owned him? A Yes, sir, I drew him from the estate.  
Q What became of that George? A He was drowned up in Kansas, as his brother told me.  
Q You know that this man is not that same George? A Oh course I do, you can't claim to be that George.  
Q Well, you know that there is but one George that belonged to the Joe Vann estate? A He didn't have Washington in his name at all; he was a splendid darkey too.

Q About how old was that George Yast when the war came up?

A He was about my age I guess.

Q Then if he was living now he would be about 67? A Between 60 and 70 somewheres; old Daniel might know but they tell me he is dead, his brother.

Q When did you first see this man here? A I saw him here when I came to testify in his case before.

Q During the Kern-Clifton? A He was pointed out to me; he looks to me younger than he did then.

BY MR. FAULDS:

Q Where were you born, Mrs. Brewer? A I was born in Springplace, Mary County, Georgia, where the Georgians dispossed the Cherokees in '34; is that explicit?

Q When did you emigrate to this country? A In '39.

Q When did your father emigrate here? A He did; I came with him; his darkies was brought down with a detachment of Cherokees. He was funny and would not let the Government feed them; he owned over a hundred.

Q You say your father owned a hundred slaves when he started from Georgia? A I didn't say he did then, but I knew about it when he died.

Q You say you were born in '34 and you came here in '39? A Yes, sir, I remembered it because I described the matters minutely to my mother and brothers and they claimed I remembered it very well; I know nothing about Georgia; we had to go to Tennessee.

Q Did he fetch all his slaves here when he come on the steam boat? A He didn't come on a steam boat, my father had a keel boat and we came on that.

Q You being only five years of age at that time, would you undertake to say how many slaves he brought with him to this country?

A No, sir, I will not.

Q It might have been 200? A No, sir; no George Washington came.

Q Well, I understand that some people say there were 175 slaves he owned, are you prepared to dispute that? A I think I am; he sold some.

Q Well, the year 1850; was he dead then? A In 1850?

Q Yes? A My father was killed in '44, when I was ten years old the spring previous to his death.

Q Well, did you know how many slaves he had in '44 at the time of his death? A About 12 hundred.

Q Well, he had a hundred then when he came here? A There was quite a number died after we came here to the Falls.

Q Did he buy any, acquire any? A Only what was born; no, he didn't buy any.

Q You were ten years of age when your father died? A Yes, sir; and that old fellow never saw him.

Q Well, you say you are pretty forgetful? A I am now, but I can remember things back then better than I could things that would happen now.

Q Your memory is not very good now? A No, sir.

Q Well, did you know the names of all the slaves he had at that time? Well, no, sometimes I never saw them for a year; there was what we called field darkies that never came to the house.

Q Some slaves you would not see for a year? A Yes, sir, sometimes it was a treat to go up in the town we called it; the houses was built one after another.

Q Some of these slaves were hired out, weren't they? A No, sir.

Q Some of them were hired out? A No, sir. They might have had some of the money go around to seek for some neighbor house just for accommodation.

Q Where were you living when the war broke out? A I am living in the place I am living at now.



Q Where is that? A It is seven miles, maybe eight, above Webbers Falls, right opposite Bluff Switch, in Canadian district, Cherokee Nation.

Q Where was Joe Vann living at that time, your brother? A He didn't have any particular home, he was a lawyer, he batched at Tahlequah.

Q He didn't have any particular home at all? A Not then because he and his wife were separated.

Q Well, he didn't live at Tahlequah then when the war broke out?

A I don't know what he did.

Q You said he had no particular home, now which is true? A I meant he was not there much, he had his household goods there, he batched there with Tom Taylor, a lawyer he practiced with.

Q He was a race horse man wasn't he? A Not particularly.

Q Did you visit him much? A Not then.

Q Did you ever go to see him? A No, sir, not while he was at Tahlequah, but I was when he was living at Park Hill with his wife.

Q When was he living with his wife? A That was previous to this time; he was, while I was a girl growing up.

Q Away back in the '40's? A Let's see I went to the Seminary; when did the Seminary open?

(Mr. Hastings answers 1850.)

Witness: Well, I was there in '51, '2 and '3.

Q Did Mayfield get part of the slaves after the steam boat was blown up that you speak of? A I think he maybe did get a family.

Q Did you know what slaves he got? A No, sir, I don't remember.

Q How many did he get? A I don't know, it maybe that he got some.

Q Do you know any of their names? A No, sir.

Q You say he owned a hundred slaves? A I could not swear that he did.

Q Well, how many names can you give me now of these slaves? A Of what slaves; that we owned?

Q Yes, that your father owned when he died? A I didn't want to take the trouble.

Q Well, give me the names? A There was some old Freedmen negroes.

Q Can you give me the names of ten? A Yes, sir, I can give the names of twenty.

Q Can you give the names of fifty? A No, sir, I don't know whether I can or not.

Q Can you describe these slaves, what they looked like, whether they were small or tall? A What a foolish question.

Commissioner: Say yes or no Mrs. Brewer? A Why, yes,

Mr. Faulds; Go on and describe them? A There is some right there just about such looking ones as those.

Q Are these some of them? A Yes, there is some right there.

Q Are these old Joe Vann's slaves, these men right here?

A Yes, I don't know but they are.

Q I asked you to describe some of old Joe Vann's slaves? A I told you they would come if they pretty much to say they looked about like those.

Q I say you can't tell the negro free whether that? A Why, I can when I know them; if I know I would have been cross-questioned. I would not have come.

Q You say you were ten years of age when your father died; now you can't pretend to tell what slaves he had at that time and what their names were? A I know he didn't have but one George.

Q I am not asking you that question, you say you were ten years old when your father died; if you can tell some of the names of these slaves and describe them to me as that any of them were to be brought here, if you would know them? A Would you know any one you saw at that age?

Q You say then that you would not know? A I think I would know some of them.

Q How many slaves did you get for your share? A I think we got about seven apiece.

Q You got seven? A Yes, sir.

Q What was their names? A Alois was the woman's name and she had two or three children and an old man; they had men to appraise the property and divide it as well as they could, and the old man I got his name was Caesar and his wife's name was Sarah.

Q Well, now, how many slaves did Jim Wann get? A He got the same as the others did. And when he married we got more than that given him by his father and he squandered them.

Q When was he married? A He married before my father's death in '44.

Q And how many slaves did he get on his marriage? A I don't know that; I was a child I would not remember.

Q You don't know the names of them? A Yes, I do, I told you their names, Mr. Hastings?

Mr. Hastings: He wants to get it in this record?

Witness: What he got through my father's estate what was given him when he married, that was old Hannah.

Q How many? A I don't know; Jennie because I owned her a while.

Q You don't know how many Jim got on his marriage? (No response.)

Q Well, did he have any before he got married that his father had given him? A I don't think he did.

Q And you say he got seven from the estate? A I ain't certain about that unless I was to sit and count how many I got; I think it was seven though.

Q Do you know the names of the ones Jim got? A No, sir.

Q Did you ever see them? A Of course I did; I don't know as I knew the young darkies' names because I had nothing to do with them; I would just see them around the place.

Q Would you undertake to say that your father didn't have some of these slaves hired out? A No, I would not positively swear that, but I would positively say I would not believe I did.

Q Now, Jim was a man who was addicted to drink considerable?

A Yes, sir.

Q And at times would be hard up? A Yes, sir, he generally made a raise pretty soon though.

Q Well, it would be most natural now for him to hire them out?

(Question objected to by Mr. Hastings, and sustained by the Commissioner.)

Q You would not undertake to say that Jim Wann didn't hire out some of his slaves? A I really don't know.

Q You said you never went much about him? A I say I didn't see much of his negroes.

Q You said you didn't go much about your brother? A He was batching in Tahlequah and I was married and alone and what would a woman have around a place like that?

Q How long did he batch there? A About two years.

Q You didn't go around him at that time? A No.

Q Did your father run racehorses? A He did back in the old Nation; he had a noted race mare he run; she was brought from Kentucky and he named his steam boat from her--Lucy Walker.

Q He had a race mare by the name of Lucy Walker? A Yes, sir.

Q Well, who was the rider of Lucy Walker? A We had several boys that rode race horses, I don't know what one rode her.

Q Did you know the names of the several boys that rode the race horses? A One of the older ones was Tom, William Scooby got him at the time the negroes were divided.

Q Well, give me the names of the other ones? A Well, this George that belonged to me attended to the horses.

Q I mean the boys that rode the horses, the jockeys? (No response.)

Q The fact of the business you don't remember much about what occurred back then at all? A I know enough to know that there is

a friend back there by you.

Q You have plenty of prejudice? A No prejudice of any, if he belonged to my father I would want him to have the same rights.

Q You have been talking about this with people? A No, sir; I don't have to keep my mouth closed on account of George Washington Vann he claims.

Q You have a pretty bitter feeling? A No, sir, I dislike falsehood; I think that man came to my house up here sometime ago and come up here laughing and said I was the one up there and I said there was not but one George Vann, and I said I owned him and he went on to say some of the children, said Mrs. Lovers, and that wasn't her name.

Q I want to ask you this question, of all the hundred negroes that your father owned, can you say there was only one by the name of George? A Yes, sir, he had a George, he had been sold before my recollection.

Q I mean at the time of your father's death? Yes, sir, I know there was not a George; I was ten years old before his death.

Q You say he owned no George at all at that time? A Might have been some little bit of a child I don't know anything about; I said I didn't know much about the field negroes.

Q You were ten years of age when your father died and you swear now that not one of the different hundred slaves he owned, not one had the name of George? A I know of the children one of them drawn one by the name of George and that was me.

Q Now, how many Johns were there and how many Jacks? A There were several.

Q And several Joes? A There is one Joe here.

Q What is his name? A I believe we called him Joe Bruner by his father.

Q And several Harrys? A One.

Q But there was not any George at all except the one you got? A Not that I know of.

Q Well, now, how old was this Joe Bruner you speak of at the time of the death? A I don't know whether he was born then or not, but he was around our house there a great deal. Wonder where he is; I guess he can tell the truth you seem to think old George can tell the truth.

Q Now, when did you first have it brought to your mind that Joe Bruner had been a slave of your father? A First met him I knew him by his looks because his grandmother was one of mother's main cooks.

Q When did this meeting take place you speak of? A Here this morning.

Q You hadn't seen him before for how long? A Oh, I seen him the day the Federals come to the place, and I think Joe went to the Federals and I hollered at him.

Q That was way back in time of the war? A Yes, sir.

Q But you hadn't seen him since? A I don't know whether I had or not; sometimes I meet the old darkies and they always seem glad to see me.

Q You give your testimony you say before the Horn-Clifton Commission? A Yes, sir.

Q The same in effect it was now? A I never had any foolish questions asked me.

Q Did you have the same spite against this man you have now? (No response.)

JOHN CROSSLAND, being duly sworn by Commissioner Beardslee, testified as follows on the part of the Cherokee Nation.  
Examination conducted through Interpreter James Washington.

MR. HASTINGS: What is your name? A Andy Crossland.

Q How old are you? A About 94 years old.

Q Where did you live before the war? A In Sequoyah district.

Q How far from Webbers Falls? A About twenty miles.

Q Did you know old man Joe Vann, known as Rich Joe Vann?

A Yes, sir, I knew him.

Q Did you know his darkies? A They sometimes called him Rich Squirrel in Cherokee.

Q Did he have some slaves? A Yes, sir, he had quite a number.

Q Was his folks any relation to yours, to the people you belonged to? A No, they were no relation.

Q You know the applicant here, George W. Vann? A Yes, sir, I know him; I didn't know him before the war.

Q When did you first know him? A First time I ever saw him was just across the river from Fort Smith.

Q When was that? A It has been about 20 years.

Q Did you ever visit Joe Vann's darkies before the war? A Yes, sir, I used to visit them at Webbers Falls.

Q Did you ever see this man among them? A No, sir, I never saw him.

Q Was there a George Vann among them, man by the name of George?

A Yes, sir.

Q What became of him? A One George Vann was drowned, he was just a young man.

Q Did you know Ben Johnson before the war? A Yes, sir.

Q How far did you live from him? A About ten miles; he lived just across the river from Fort Smith, on this side.

Q Did you ever visit his darkies before the war, see them?

A Yes, sir.

Q Did you ever see this man this applicant, George Vann, down there among them before the war? A No, sir.

Q The first few years after the war where did you go; where have you been living since the war? A I first lived in Illinois about two years and moved into Sequoyah district and lived in Sequoyah district eleven years, and moved back to Illinois district where I now live.

MR. FAULDS: Did you know old Joe Vann when he first came to this country? A This Rich Joe Vann?

Q Yes, sir? A Yes, I didn't become acquainted with him until he came to Webbers Falls.

Q Well, when was that? A It must have been something like ten years prior to the war.

Q What year would that be in? A I am not able to state; I was raised by full blood Cherokees and had no opportunities to keep count of the time.

Q Ask him if he is on the authenticated roll of 1880 as a Cherokee Freedman? A Yes, sir.

Q How far from Webbers Falls was he living at that time, the witness here? A About twenty miles, as I stated.

Q From Webbers Falls? A Yes, sir.

Q Do you know how many negroes Joe Vann brought with him when he came to this country? A No, sir, we had no right or authority to make any investigation as to any number of slaves a man may have.

Q Did you know how many slaves Jim Vann had? A I don't know that I knew Jim Vann.

Q Does he say that he does not remember Jim Vann, a son of Joe Vann? A He just states that he didn't know that he remembers Jim Vann.

COMMISSIONER: Ask him if he knows Jim Vann, a son of Joe Vann?

A Yes, I had seen him but didn't know him so well as I did his father.

MR. BAILEY: Well, do you know how many shares Jim had at that time? A No, sir.

MR. HASTINGS: Was did you bring out A Jack Cochran's father, French Jack.

POC ISSIOMER: Was he a neighbor of Jay Van's? A Yes, about twenty miles.

Commission adjourns until the next, P. M. Taking of testimony continued by Stenographer H. D. Green.

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

Subscribed and sworn to before me this September 20th, 1901.

*C. R. Beckwith*

Notary Public

VALLEY VIEW, ARIZONA  
YONKIE MASS, U

Continued from stenographer Reason.  
To be filed with C.F. D.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., Sept. 15, 1901.

In the matter of the enrollment of George W. Vann, as Cherokee by blood;

APPEARANCES:

Appearances:

Applicant in person, and by his attorneys, J. F. Mills and A. S. McRea.

W. W. Hastings, and James Davenport, for Cherokee Nation.

Testimony on part of Cherokee Nation.

DAVID ROACH, being sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT:

Q State your name, age and place of residence. A My name is Daniel Roach.

Q How old are you? A I can't tell you, I am 60, 70 or 80.

Q Where do you live? A I live in Illinois District, Bragg's Station.

Q How long have you lived in the Cherokee Nation? A All my days, my recollection, I was in the Cherokee Nation when I come to my recollection.

Q When you could first recollect where were you living? A Down at Weavers Falls.

Q Did you ever know Joe Vann, that they called Rich Joe Vann, before the War? A Yes sir.

Q How far did you live from him? A I don't know how far, I lived on one side of the River and him the other.

Q Was you acquainted with his slaves that he owned? A So far as this I lived on this side and he lived on you side of the River, Saturdays and Sundays when I got a chance I would go over there Sundays and run after the she-ponies you know, on a courting expedition.

Q Well you had been on this place? A Yes sir.

Q Did you ever see this man by the name of George W. Vann, who sits here there around Joe Vann's place before the War? A Well, Joe Vann had a colored man that they called George.

Q Well was it this fellow that's here? (Indicating). A This is not the man I saw there.

Q Is this the man that was around that they called George? A Oh no, that's what I am telling you now, it wasn't him, no sir, I am confident it wasn't him; he aint the man; that man, the last I saw of that man just a while after the War commenced, the last I saw of him he run away with some colored people, I think some of his relatives, and went North.

Q And you have never seen him since? A No sir, I saw his brother since, and asked his brother about him, that's all.

MR. BAULDS:

Q All you know is that this isn't the George Vann that went North? A Sir?

Q All you pretend to say is that this isn't the George Vann went North? A No, that aint the question they asked me; they asked me was this the George Vann that belonged to Vann? I say this aint him.

Q You didn't know how many slaves he had named George? A No sir.

Q Did you know all of his slaves? A I knowed all the old ones, pretty much; there was the oldest was there there used to be an ever ever they called Isaac, David, and three or four others there, but I have lost the names pretty much. Daniel Vann out here was a brother of this George Vann, and I knowed him.

Q Did you know the names of all of them? A No sir.

Q You know how many Georges there were? A No sir.

Q Might have been a dozen? A Yes sir.

Q Might have been a dozen? A That's right, but I didn't know

George W. Vann cont'd 2

- Q How many have been a dozen Georges? A Well I didn't know then.
- Q You don't know how many slaves he had? A No sir, I was a slave myself, and couldn't count them, nor nothing about it, I was over there on a "courbin" expedition and found among the young girls and "reck home."
- Q Was also was a slave holder, his slave holder down there? A He was the biggest. And there was John Brunk, he lived down on the River from Vann.
- Q How many slaves did he have? A I don't know, I think he had three or four women and I think there was forty or five men, yes.
- Q Did Webber live over there? A Webber lived on this side of the River.
- Q At Webbers Falls? A Yes sir.
- Q How far was that from you? A Well, it's about a mile and a half, maybe not so far, on this side of the River, old Webber lived. He had a big store up there.
- Q When did you first get acquainted with Joe Vann? A Well I could not say, but after he come up on the boat and he got seeped down there and you find out pretty quick, his traveling around, he owned a good many colored people; I could see him across on this side of the river, in a while.
- Q What boat did he come in on? A I don't know.
- Q Were you there when he came in? A Oh no, I think not; oh no, I paid no such attention; I was a slave; I couldn't pay such attention to that.
- Q You had about all you could do to look after your master?
- A That's right, only every Sunday.
- Q Joe Vann was away from there, so pretty much on his steershaft?
- A He did run on the boat, yes sir.
- Q He was a race horse man? A Yes sir.
- Q Raced horses all through the country? A Well I don't know about the north's country, but he did that about Webbers Falls, that's all I know about it.
- Q Just what you know is around there, that doesn't amount to very much? A Well, what you ask me I answer it the best I can.
- Q You have been with the Duke's Cavalry, you are employed by the Cherokee Nation? A Yes sir.
- Q Got two dollars a day right along? A Well, if they give it to me I will.
- Q Well, do you get it or not? You get it? A I don't know, sir.
- Q Aint you got anything yet? A I have got some and some I aint.
- Q But you expect to get it? A Well I don't know, depends upon circumstances, I can't tell what they do.
- Q Going to work for nothing? A Well, if I can't help myself what else can I do?
- Q You know the colored people, slaves, that Jim Vann had? A Some of them.
- Q Didn't know all of them? A After old man Vann died, - he got blowed up, - Jim Vann he married Lewis Ross' daughter. I think, it was anyhow among them Rosses, so he took care of the slaves over there at Tallapoosa, some of his slaves, I reckon it was his portion of the "arkies" he drew; he stayed there a while with them and then he sold them; there was a merchant called Emerson bought them slaves to send them off to his children, I don't know where they lived.
- Q You don't undertake to swear that George Vann was not a slave of Jim Vann? A He is not the man what I knowed and George Vann.
- Q You have said there was a George Vann, slave of Jim Vann, sent North some place? A Yes sir.
- Q I'm asking you whether or not you are going to swear that he, George Vann, wasn't a slave of Jim Vann? A Well, I say if he was I didn't know sir.
- Q But you can't swear whether or not he was? A Well, I suppose if he had been not I never saw him nor could I swear it; but there was a George Vann who I did see, I asked his brother about him and he

George W. Vann cont'd

said he got drowned up here North somewhere.

Q But you are not swearing he wasn't the son of Jim Vann? A Not his nint the one I saw.

BY COY'R NEEDLES:

Q Do you know whether this George Vann was a slave of old Jim Vann or not? A Not that I know of; not that I know of he wasn't; I don't know that I ever seen him until I saw him around this payment, that is the first time I ever saw him to my knowing at all.

Q You don't know whether he was or was not a slave of Jim Vann?

A No sir.

Q Do you know anything about the slaves Mayfield got after Jim Vann died, from the estate? A No sir, I don't know anything about the who draws the estate.

Q Do you know whether or not Mayfield got any slaves? A Not no more than say so; I heard them talking about Mayfield had slaves, but to see it and know it, I don't know.

Q All you know is what they talked about it? A Yes sir, that's all.

JOB JOHNSON, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, and age and place of residence also? A I am 31, going on 32.

Q Well, what's your name first? A Ben Johnson.

Q And your post-office? A Passages.

Q How long have you lived in the Indian Territory Joe? A Born and raised here, been here all my life.

Q What part of the Territory was you raised in? A Sequoyah District.

Q Was you a slave before the war? A Yes sir.

Q To whom did you belong? A Ben Johnson.

Q Was you acquainted with the slaves that was living on Ben Johnson's place before the war? A Yes sir.

Q Is this man here who is known now as George W. Vann belong to Ben Johnson or work on Ben Johnson's place there before the war or at the breaking out of the war? A Never did see that man before until about 10 or 15 years ago in this District.

Q When did you come back to the Nation after the war closed, or did you leave it? A I left it.

Q And did you come back? A Peace wasn't declared when we went back.

Q To what point did you go when you come back? A Down on our old place in Sequoyah, Ben Johnson's place, lived there seven years, built a house there, and then went to Flint District.

Q When you came back down there about the place where was this man George W. Vann, living there? A No sir.

Q When did you first see him? A Right here in this District, there was a big meeting going on here.

Q About how long ago? A Well I say it has been about 10 or 15 years ago since then, they had a big meeting here, that's the first I remember seeing him right there at that meeting.

Q And you worked the old Ben Johnson place several years before you came back here? A Right years.

Q And he wasn't in there then? A No sir.

Q And he never was there before that? A Never was, I was big enough to notice a stranger if he was on the place.

BY MR. FRUITS:

Q You are 31 years old? A Yes sir.

Q You were a slave before the war? A Yes sir.

Q What were you working in before the war? A Riding packs for my present master.

Q Where did you ride? A I ride some packs in Mayeville and some in the North of the Center Prarie; I don't know what they call it.

Q And you are all out now, riding packs? A Yes sir.



George W. Vann cont'd 4

Q How long before the war was it you began riding races? A I couldn't tell you.

Q Ten years before the war, was that it I suppose? A I don't know I said, I wouldn't put the time, because I don't know nothing about no dates.

Q You mean the war between the North and the South? A Yes sir.

Q Did you ride race horses for several years before the war?

A Yes sir.

Q How much did you weigh? A Well I don't know anything about that, I may have weighed a good deal, I don't remember them ever weighing me.

Q How old were you when you started to ride race horses? A I don't know, but I was big enough to hold horses without being girthed up, and able enough.

Q When did Ben Johnson go away from there? A When the war was going on, I couldn't tell you what year.

Q How old were you when the war started? A I couldn't tell you nothing at all about that; I am just telling you what I know and no more. But that man there was never about place, I know that.

Q On whose place? A Ben Johnson's.

Q You were there all the time? A Yes sir, never was nowhere else until he started south; they taken me away from there and there wasn't but three old men left there.

Q I thought you said you went away to ride races? A I said I rode races.

Q Wasn't you away from there riding races? A Well now long was I away, a longer than the race was run, and then I was in there again.

Q You were how old then? A I don't know how old I was; if you want to find out I washave a man brought here that's got his daddy's books, one of the grand-sons of them; if that's what you are after.

Q Didn't Ben Johnson go from that place on the head of the River between Arkansas and before he went off? A That's when he first left home with his negroes.

Q He went onto the river and died, didn't he, and some of his negroes came back? A He was on his way back when he died; didn't die at the river.

Q His negroes came back? A Yes sir.

Q Did he have two negroes named Mass and Green and Aron? A I know his oldest brother and Green was this Isaac; I don't know where he gets the Green part; I know who he is.

Q And did you belong to you say? A Ben Johnson.

Q Was that all the kind of work you did, was to ride horses? A That's all I done.

Q That's all you ever did? A Yes sir.

Q You didn't didn't work down there in the Salt Lick? A No sir, I don't know nothing about no Salt Licks; I used to hear them talk about Maskey's lick, but I don't know to-day where it is.

Q Do you know whether or not Jim Vann hired a negro to Ben Johnson for a thousand dollars? A No sir.

Q Don't know anything at all about that? A No sir.

Q But a thousand dollars? A Don't know nothing about it, never heard of it before.

Q There are lots of things you haven't heard of since then? A That's a right about that, but here's this thing about it, that man was never in the yard.

Q Work yours the yard all the time? A Yes sir, right on the place only when they took me out to ride races; I knowed when a stranger was.

Q Well you could be a pretty good for a day 10 or 12 years of age? A That's all right about the races, I am smart enough to make a good living.

Q At the age of 10 or 12 years? A Yes sir.

Q How old were you when you started to ride races?

Q When did you get back to this country after the war? A I have done told just what time I come back here, and you aint getting no more out of me; when we come back here peace wasn't declared; that's what they told me; we saw soldiers here that was mustered out after we come here.

Q Where did you come to? A Right to our old place on this side of the River.

Q How far was that from Fort Smith? A I call it about 2 miles; I come right there and build a house and stayed there eight years.

Q You never saw this man at Fort Smith at all? A No sir, I first saw him right here about 15 years ago, at a big meeting.

Q You undertake to swear he wasn't here during that time? A He might have been in this country, but I never saw him.

Q You never saw him around Fort Smith right after the war?

A No sir.

Q You are not going to say he wasn't there? A He might have been right there for all I know; I never saw him there.

Q You don't know where he was living? A No sir, I don't.

GABRIEL L. PAYNE, being sworn by Commissioner Needles testified as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A Gabriel L. Payne; 46 years old, Cherokee Nation, Sequoyah District, my post-office is Fort Smith, but I live on this side of the River.

Q How long have you lived in Sequoyah District? A Since '69.

Q What portion of Sequoyah District with reference to Fort Smith, Arkansas, have you been living? A Right across the river from Fort Smith, right on what you would call the landing.

Q Are you acquainted with a colored fellow who goes by the name of George W. Vann now? A Yes sir.

Q This gentleman who sits there? (indicating) A Yes sir.

Q How long have you known him? A I have knowed him since about February or March, '77, I couldn't say positive, about the last of February or the first of March.

Q Where did you first see him? A I first saw him there at home.

Q On your farm? A Yes sir.

Q Did you have any business transaction with him that makes you remember? A First business I had with him he picked cotton for me.

Q Was there any other transaction that followed that? A Well he has been working for me off and on up until- I don't think the old man has done any work for me in the last three or four years.

Q When he first came to your place how long did he stay before he brought his family, if he brought them at all? A My recollection he was here about two or three weeks before he br'nt his family.

Q Did you have any conversation with him in regard to where his family was? A He said they was at Argenta.

Q If you had anything to do with aiding him bring his family I wish you would state the circumstances? A When he was picking cotton for me he wanted money to get his family from Argenta, from what was Cherokee at that time, -Cherokee proper now is 6 miles north of what was Cherokee then, - and he got me to pay the railroad agent at this end of the line the money for what his freight and things would be, and the agent ordered the agent at the other end to send them up; I give the agent the money to transfer his family.

Q Did his family come? A Yes sir.

Q That was about what year? A '77.

BY MR. PAULDS:

Q That was in 1877? A Yes sir.

Q Came from Argenta? A I don't know whether he come from there or not; he said he did.

BY MR. DAVENPORT:

Q When did you meet in your place above in Sequoyah District, in '77, up to the time George came to your house in '77 had you seen

George W. Vann cont'd 8

him in that locality or had he been living in that locality? A Not that I know of.

BY MR. WALKER:

Q He had some land down there near Fort Smith in the Cherokee Nation that you wanted to get, and you had him arrested? A I did not.

Q Well, it was brought about that he was arrested and taken over to Fort Smith; wasn't you there at the trial giving evidence against him? A Yes sir; I say he wasn't arrested in regard to that land at all.

Q He was arrested for getting timber on Indian land? A Yes sir.

Q Did you have him arrested? A No sir.

Q You were instrumental in having him arrested? A No sir.

Q Did you have a finger in it? A No sir.

Q But you were there as a witness? A Not against him.

Q Didn't appear there as a witness? A Not against him.

Q You were there in the trial? A Yes sir.

Q Did you testify in the case? A Not in his case.

Q Which case? A Fellow named Hicks.

Q Do you remember the facts proven? A No sir; I think it was Clayton or Reed.

Q Prosecuted? A Yes sir.

Q In Tahlequah? A Yes sir.

Q You were interested in the trial? A I was not, not in that trial.

Q Didn't care how it went? A Yes sir I did.

Q You wanted him acquitted? A No sir.

Q You want him convicted? A I did.

Q You were claiming the land he was on? A I was not.

Q Will they had a trial over there? A Yes sir.

Q And the jury without retiring from the box found he was a Cherokee Indian? A I don't know the decision in regard to that. I think Judge Parker claimed that as regard to his case being on controversy between the United States Government and the Cherokee Nation that he wouldn't call jurisdiction because it might have some figure in his case.

Q You knew the jury found he was a Cherokee citizen? A No sir, I do not.

Q Do you want to see it? A No sir, I don't care to, it's none of my business.

Q After that trial they place you went back to your land and had him arrested and brought up at Tahlequah? A I did not.

Q Wasn't he taken there and tried? No, he wasn't tried there, he was suing him there, he was just suing for a piece of land.

Q Didn't try him there then? A No sir, we brought the suit there at Tahlequah.

Q Wasn't he turned away there? No, he went on in the case there at that court, you couldn't call it turned away.

Q They decided there (did) that he was a Cherokee Indian? A No sir, I don't know. My brother attended to the trial at that time and when the trial went against us I took an appeal to the higher court and finally beat him at last.

Q Got it down here before the Cherokee Nation and beat him?

A Got it before the United States court at Tahlequah.

Q That year was that year? A Well I couldn't say positively, about three or four years ago.

Q You got this suit put up at Tahlequah over your land? A Yes sir.

Q You were bringing a suit against him for possession of the land?

A He was suing me for the land and they put me on the stand and I was

and he was

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Q Was he living there right along from 1877 until that time, '85 or '90? A No, in '81 I think, I won't be positive, I think it was '81, I bought everything he had, and he left this country, started to Cuba so he said, and he was gone a little over a year, probably, I ain't certain about that.

Q You said you were 46 years of age? A Yes sir.

Q And you had lived down there since 1869? A Yes sir.

Q How far were you living from Fort Smith in 1869? A Before we moved to where we are living now.

Q Yes? A We lived at Greenwood, about 14 miles from Fort Smith; I was born there, but during the war when trouble come here we were hop, skip and jump about in Little Rock and Fort Smith, and in '66 I was going to school there at Fort Smith.

Q I want to know how long you lived at Greenwood 14 miles from Fort Smith? A I was born there I tell you.

Q How long after 1869 did you leave there? A I told you we left there in 1869 and moved to this place where we are living now; that's right across the river from Fort Smith, I think in the neighborhood of 20,000 feet.

Q Then you have lived there ever since 1869 right across the river from Fort Smith? A Yes sir.

Q You never saw anything of him now up until 1867? A No, no, 1877, that I know of.

Q You might have seen him without knowing it? A Yes sir.

Q You know there is a whole lot of white witnesses around Fort Smith that knows he was around there? A I don't know anything about that.

Q Did you hear his trial at Fort Smith? A Yes sir, but I don't know that anything of that kind was brought up, I don't know that it was or wasn't, it has been awhile.

Q Did the Indian Courts have jurisdiction over non-citizens at the time this case was brought up at Mulrow? A

IE. DAVENPORT: That is a matter of law.

A I believe they ~~should~~ threw it out on account of non-jurisdiction; I think the Cherokee courts threw it out on that ground.

Q Threw it out? A Yes sir.

Q Well then you didn't beat him there? A I beat him in the suit in the United States court, where I could get jurisdiction hold of him.

Q There was a United States Court at Tallapoosa at that time was there? A Yes sir.

Q He was paid for the piece of land wasn't he? A Oh we paid him for that piece of land at first before we ever commenced a law suit and then afterwards he went and claimed it to be his own.

BY COU'N EXHIBITS:

Q Are you a citizen of the Cherokee Nation? A I believe you people believe I was not, I believe the Cherokee Nation accepts me as a citizen.

Q Not as a citizen by blood? A No sir, by adoption.

WILLIAM FORMAN, being sworn by Commissioner Needles, testified as follows:

IE. MR. DAVENPORT:

Q State your name? A William Forman.

Q Where do you live? A Mulrow Station.

Q How old are you? A I don't know, sir, exactly how old I am.

Q Are you a Cherokee or Cherokee citizen? A Cherokee.

Q Are you acquainted with George W. Vann there? A I have seen him.

Q About how long has it been since you first met him? A About 4 or 5 years ago.

Q When you met him about 4 or 5 years ago where did you meet him? A First time I met him was out at Tushkahom.

Q That was in the Cherokee Nation? A Yes sir.

George W. Vann cont'd 3

Q When you met him there did you have any conversation with him in regard to Choctaw citizenship? A No sir.

Q Did you have any conversation as to any kind of citizenship, as to his being a Choctaw or anything? A No sir.

Q When was the next time you met him? A At Fort Smith.

Q Did you have any conversation with him at all at any of these next days with reference to his Choctaw citizenship? A No sir, I didn't.

Q Well then, you had no conversation with George at all with reference to his being a Choctaw Freedman, Choctaw Freedman, Choctaw by blood or anything by blood? A No sir.

ALEXANDER DUNN, being sworn by Commissioner Suddles, testified as follows:

BY MR. DAVENPORT:

Q Give the clerk your name? Alexander Dunn is my name.

Q Age, and your present place of residence? A My age, I am going on 55, and where I live now.

Q Yes sir. A I live in Sequoyah District, town near Pappas.

BY COMMISSIONER: Is Pappas your post-office? A Yes sir.

BY MR. DAVENPORT:

Q How long have you been in this State about ten years; I came there in 1877.

Q How long had you lived previous to coming to the Cherokee Nation? A On the State of Arkansas, below Little Rock, in Pulaski County.

Q How long had you lived there? A I have been there ever since the way, when I came out of the army I was in that neighborhood in '55 I believe, '56 or '63.

Q During the time you lived in the State of Arkansas, Pulaski County, near Little Rock, did you ever know a colored man who went by the name of George W. Vann? A Yes sir.

Q Where you ever met him since you came up here in this case? A Yes sir.

Q By what name is he known now? A George W. Vann they call.

Q Is that the name you saw there? (Pointing to applicant.)

Q Yes sir.

Q About how long did he live down there after you got acquainted with him? A I wasn't acquainted with him very long. I saw him down there in April, '74, and then I heard from him again he was in the Territory, in '77.

Q You then heard of him again in the Territory in '77? A Yes sir.

Q Did he ever talk to you anything about citizenship up here? A No sir, nothing to me about it.

Q Did he say anything to you about growing up or speak to you about he having applied, or anything about that? A

BY COMMISSIONER: Any conversation he had with Vann was proper.

Q State what he said to you about citizenship? A He was at my house, told me I could get a right here if I wanted it. He could get me on the roll. I told him I didn't deal with Uncle Sam, because Uncle Sam was a dangerous man, and I considered myself one of his men. Talking with the Government he might get into trouble. He was advised me not to have anything to do with it.

BY MR. DAVENPORT:

Q When did he say that to you about your being placed on the roll? A The year of '76.

Q In applicant's application of Vann you saw some other names preceding his name? A Yes, some names of citizenship in the Cherokee Nation.

BY MR. DAVENPORT:

Q How long after that did you see him again? A I never will.

Q How long after that did you see him again? A I never will.

Q How long after that did you see him again? A I never will.

ting up a church, and was telling what a chance he had to get a home.

Q That was near Little Rock? A No sir, that was right here in the Cherokee Nation in '94.

Q I will ask you in reference to this conversation about his getting you on the roll, didn't you first accost him with the remark that you knew him to be down there at Little Rock during the Brooks and Paxter was, and that if he could come to the Territory you were as much entitled to do it as he? I never had a conversation with him around Little Rock. I will tell you just how I knew him: Charley Morris got into a drunken spree right there when Brooks was making a speech, and he said now boys, Brooks said, now boys, would they back him in taking the Governor's seat; and we agreed that we would. Well this man Morris, he was drunk, and when he got drunk McKamy came in to take him, George McKamy; that's how come we know this George McKamy, as a constable. We boys lived in Hill Township and McKamy lived in Eastman, and we wouldn't let him have him; took Morris away from him. Next time I heard from George McKamy he was here in the Territory; time Snowden came here to see Charley Morris, and said George McKamy was here in charge of a church, and Morris was one of his members, the man he had tried to arrest.

Q When was the first time you ever met George McKamy, alias George W. Vann, in your life? A It was in April, 874.

Q Where at? A At New Name Church, in Pulaski County, Eastman Township.

BY COURT REEDLES: Q Was it in Arkansas? A Yes sir, in Arkansas.

BY MR. MORFA: Q Did he have a family? A I don't know anything about his family, I never saw him no more after that until I came up here; I may have seen him in Argenta town in passing, I don't remember though whether I did or not; but that's the time I saw George McKamy.

Q Now from this particular time when was the next time you met him, and where was it? A I met him right here in the Territory, right around Pappaw; he came there in '74 to get up a church.

Q Come to Pappaw in '74? A Not in '74, but in '94. '74 I saw him at the Brooks and Bakkerwar.

Q Now isn't it a fact that you have been instructed to tell a certain line of testimony in regard to this matter? A No sir.

MR. DAVENPORT: By whom do you undertake to say he has been instructed, Mc?

MR. MORFA: I haven't charged any one.

COURT REEDLES: That's a by-play; go on with the examination.

Q Where do you live now? A I live in Sequoyah District.

Q How where did you come from when you came to Pappaw? A I come from Pulaski County.

Q Where is that? A In Arkansas.

Q Do you live within close proximity of George W. Vann now? A I guess I live six or seven miles up off; I never has been to his house; he lives somewhere down about Cherokee and I live near Pappaw.

Q When you first met him in 1874 in Little Rock, as you have affirmed, where did he come from? A I do not know, sir.

Q Never had any conversation with him as to where he come from? A No sir.

BY COURT REEDLES:

Q When you had the conversation with George W. Vann here that you refer to in your testimony in regard to statements he made to you as to getting you on the roll, did he say anything about getting on the roll himself? A He said he was on the roll; that is, he said he had a right here, and he could get us on and my family.

Q He didn't say he was going to try to get a right, did he?

A Yes sir.

JOSEPH DUNK, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Joseph Dunk.

Q Where do you live? A About eight miles south of Muldrow.

Q What is your post-office? A Pawpaw.

Q How old are you? A About 48.

Q Where did you live before you came to the Cherokee Nation? A I lived up until '67 in Polk County, Arkansas; after that I lived in Pulaski County, Arkansas, until '90.

Q Did you ever know a colored man down there named George W. McKary? A Yes sir.

Q Is the gentleman sitting there the same man you knew by that name (indicating applicant) A Yes sir.

Q What was he doing down there when you saw him? A When I first saw him I was working on the Little Rock & Memphis Railroad, I think that was in '72; he was there at Argenta; I don't think he was following anything, but following the courts around there, - and in '73 I worked in the bottom, and he was constable in Argenta, in the latter part of '73; I disremember whether it was Eastman or Hill Township at that time that he was in, the township was cut into since then.

Q The second time you saw him around there he was constable in '83?

A Yes sir. And I think in '72 he was constable too, or deputy or something, if I mistake not.

Q How long after that did you remain around Little Rock? A I remained there until '74, the Brooks & Baxter war; I went up in Perry County and stayed about four months there; dropped back to Terry's Ferry; it is called Scott Crossing now.

Q Was McKary still in Argenta when you left in '74? A When I left there he was.

Q Do you know whether he had a family then? A I don't know.

Q How long ago did you come up here? A In '91.

Q Are you living down there near where your brother Alex is? A Yes sir.

Q Have you, since you moved to the Territory, had any conversation with George W. Vann now, who goes by the name of George W. Vann now? A When I first saw him out in the Territory I had been down to Fort Smith attending court, and at Cherokee I think he got on the train, coming up, and I made myself known to him, and I asked him what he was doing and he went on to tell me, I begun to then to ask him how land was, about renting lands, and told him where I was living, and he told me he was living near Jacktown, I don't know where that was, and I asked him was he renting, or some way that way, and he mentioned to me that he had a right here, and I begun to question him a little further and he said he was a citizen, and he said it was no trick to be a citizen.

BY MR. NEEDLES: Now your honor, I object to this evidence; it's all right to put in any evidence as to what George Vann said as to his own citizenship, but as to what he said about somebody else's citizenship would be entirely incompetent, immaterial, to this case; got nothing to do with the case. Right as well bring up a conversation relating to any other matter entirely foreign to the issue. Anything he might say as to his own citizenship might be admissible, but as to what he had said of this matter is not and I believe has nothing to do with the case.

BY MR. DAVENPORT: I will state to the Commission that I will stop the witness whenever he gets off.

BY COM'R NEEDLES: Any conversation George W. Vann had with the witness about his own case is admissible.

BY MR. DAVENPORT:

Or what he might say about making these fellows, if anything.

BY COM'R NEEDLES: I don't think that's entirely competent, that

he might have said; he is not charged.

BY MR. EASTINGS, Cherokee Representative: This Commission is getting at the facts in these cases, and if this man assumes that that man has done that with these people and wants to get up citizenship cases when he has no rights and he knows he has got no rights, this Commission ought to know of it.

BY MR. FAULKNER: A man doesn't come here to defend every act of his life. The question is whether George W. Vann is a citizen or not; there are a great many citizens in the country who have been manufacturing evidence for persons who ought not to be- I don't know as I ought to say that, but the Commission has had information that even citizens whose rights were not disputed had been in the business of manufacturing evidence for applicants, and if they had it wouldn't debar them from rights of citizenship if they had.

BY MR. DAVENPORT: It doesn't go into this case to the real reputation of the man, but here comes a man whom this man has known in Arkansas and says I have gotten me a right and I can get you up one, and I want him to tell it.

BY MR. DAVENPORT:

Q Did George W. Vann in that conversation about being told you that he had a right up here, and that it was no trick to get a right try to get you to apply, and offer to get up the testimony?

COM'R NEEDLES: You need not answer that. I don't think that is proper in this case.

MR. DAVENPORT: We except; I asked the question so as to get it in the record.

BY MR. HERBA:

Q You say the first time you met the alleged applicant here George W. Vann, was in 1872? A First time I ever remember seeing him, yes sir, as well as I recollect, I won't be positive.

Q Where did you see him? A In Argenta, called Cockleburr town then.

Q And that same year he was commissioned constable? A I don't know whether he was commissioned that year or not; I was working on the railroad and when I saw him in '72 I was working in the yard, and I moved in the bottom and stayed until '73, and when I come back from the bottom in '73 he was appointed constable.

Q Appointed constable? A He was well he was acting constable.

Q Who appointed him? A I don't know; I was in the bottom at that time, when he was appointed.

Q How long did he remain in Argenta? A He remained there in Argenta up until the Brooks and Baxter war, that was in '74.

Q How long did he remain in Argenta after the Brooks and Baxter war was over? A I don't know, sir.

Q When did you see him last in Argenta? A '74.

Q Then when did you next see him? A To my remembrance when I next saw him it was '91 or '2 here on the train.

Q Where were you living then? A Living at Sandtown.

Q Did you know him before the year 1872? A No sir, if I did I don't know it. I knew him at the time I say, I might have seen him if he had been about Argenta, but I didn't recollect him from that time up.

Q From the time you first met him until you last saw him did you acquainted with him for a considerable while, a associations with him? A All the time I was in town, while I worked there in the fall of '72 I saw him every day, and when I come back in '73 I was in the court there I believe.

Q Did he have any occupation besides that of a constable? A Not as I know of.

COM'R NEEDLES: Case on the part of the Cherokee Nation will be adjourned until eight o'clock to-morrow morning.



George W. Thom

E. D. Cross, being first duly sworn, deposes that as stenographer of the Commission to the Five Civilized Tribes he currently received the testimony and proceedings in the continuation of this case and that the foregoing is a true and complete stenographic transcript of his stenographic notes thereof.

*ms. Thom*

Subscribed and sworn to before me this September 28th, 1931.

*C. R. Beckwith*

Notary Public

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SUPPLEMENTAL: C.F.D-115, George W. Vann.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Wagon, I.T., September 25, 1901.

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

TESTIMONY ON THE PART OF THE APPLICANTS.

Appearances:

Applicant in person and by attorney, J.F. Faulds.  
W.W. Hastings, of attorneys for the Cherokee Nation.

GEORGE MOODY, being sworn by Commissioner scales, testified  
as follows.

BY MR. FAULDS:

Q What is your name? A George Moody.

Q What is your post-office address? A Fort Smith.

Q How old are you? A 47 years old the 10th of August.

Q Do you know old George W. Vann here? A Yes sir, I know him.

Q Do you know Annie Green? A Yes sir, I know her.

Q You remember the circumstances of her killing some man over  
there in Argenta? A I remember the circumstances of her killing  
her husband, Evans Green.

Q Were you living in Argenta at that time? A Yes sir.

Q Do you know if George W. Vann was there? A Yes sir, I know he  
was there; I know they were there directly after the shooting.

Q Go on and tell what occurred? A Betwixt 9 and 10 o'clock George  
W. Vann as you call him, we call him Mack McKamy, and then we was  
all coming from church betwixt 10 and 11, and John Bynum, another  
fellow, and we heard screaming over towards the old mill what they  
called "Cocklebur town", and we rushed over there.

Q Who rushed over? A George Vann as you call him, we called him  
Mack McKamy there; we all rushed over there to the door, and he  
got there first and knocked on the door.

Q Who is he? A Mack McKamy, and knocked on the door, - that's what  
we called him. Macky, and we knocked on the door and there was an old  
lady screaming and Evans was lying at the door shot, and he told  
her to open the door.

Q What? A Mack McKamy, and she asked who it was, and he says Mack  
McKamy, the old constable, and says if you don't open the door I  
will break it down, and she got up and opened the door.

Q What did you do? A Stayed there to keep her - ere until the  
next morning, and next morning if I make no mistake the constable  
was named Shellout, a white man, came out there and taken her and  
she led her to jail.

Q You say Vann was there? A Yes sir. That man (pointing to the ap-  
plicant) he was the man who was there and told them if they didn't  
open the door he would break it down.

BY MR. HASTINGS:

Q When was that? A I think it was somewhere in '80 or '90; I don't  
remember exactly what time it was.

Q You know the difference between '80 and '90? A I know '78  
comes before '80.

Q How many years ago was that? A A woman's remember, I am not a  
knack of regard, I can't tell exactly how many years it was.

Q When did you leave Argenta? A Where did I leave there?

Q When did you quit living there? A I left there, I don't know  
exactly the time I left there, I have been here about 4 years.

Q How long was it before you quit living there that this occur-  
red? A I couldn't remember the time, it was somewhere in '78 or  
'80 when this occurred.

Q How long was it before you quit living there that this occur-  
red? A I couldn't remember the time, it was somewhere in '78 or  
'80 when this occurred.

George W. Vann et al 2

exactly the time, but I know it was down in that time.

Q Between '70 and '80? A Yes sir.

Q Do you know it was done before 1907? A No.

Q Do you know it was done before 1907? A No I said I don't know it.

Q Do you know whether it was done before or after the war? A Why it was after the war I guess when it was done.

Q Do you know how many years after the war? A I do not.

Q Were you married at that time? A I was married at the time.

Q Do you know when you married? A No sir I don't.

Q Was George Vann constable at that time do you know? A No he was not constable at that time when he arrested that woman, but I know he was a constable down there.

Q He went in and arrested her and wasn't no constable? A No, he wasn't no constable.

Q Who was with him? A I told you I was with him and John Eynum was with him.

Q Who was it she was alleged to have killed at that time? A Evans Greer, that was her husband.

Q Did you know George Vann down there? A I knowed that man there.

Q What, McKany? A Yes, that's what we called him.

Q How long did you know him? A He came there my first seeing him was the time of the Brooks and Baxter War, he was appointed constable there.

Q You never saw him before that? A No sir.

Q You don't know when the Brooks-Baxter war was? A No I doesn't know now at the present time when it was.

Q About two years after the war? A I says I don't know.

Q About how many years after the war? A I don't know, I know it was there.

Q Well, he stayed there until after this killing did he? A No, after he got out of office he went away from there, and come back there.

Q How long had he been there at the time of this killing? A I don't know, first time I saw him was the Brooks and Baxter War.

Q At the time this killing took place how long had he been down there? A Oh I couldn't tell.

Q You don't have any idea when it was? A No I don't, but I know he was there that night, I am sure he was there.

BY MR. FANLUE:

Q Have you any idea of dates? You know what year this is, or what year was 10 years ago? A No, I know this is 1901, I know that.

Q How many people were there around there that night when this killing happened? A When we first got there, so was the first three men there that got there, and we ran over there and there wasn't but three men there, but there was a crowd gathered there afterwards.

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.

Subscribed and sworn to before me this November 6th, 1901.

*M. D. Green*  
*D. D. Green*

Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Fort Gibson, I. T., September 25, 1901.

In the matter of the application of George W. Vann et al, for enrollment as Cherokee Freedmen.

Supplemental testimony introduced by applicant.

Appearances:

A. S. McRea, attorney for applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: What do you desire to prove by these witnesses?

A. S. McRea: That the applicant was here in 1866.

Mr. Hastings: Could you the representatives of the Cherokee Nation and protest against the introduction of any more testimony by the applicant upon that point, because it is not rebuttal of matter brought out by the Cherokee Nation, but it is one of the points originally in issue, upon which testimony was introduced.

JOHN McDONALD, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McDonald.

Q What is your age? A About 58 years old.

Q What is your postoffice? A Senge.

A. S. McRea: How long have you lived in the Cherokee Nation? A I have been living here all the time.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first see or know him? A When I first got acquainted with him, he was working on a boat, the old Fort Smith, coming up backwards and forwards here, fetching provisions.

Q When was that? A That was in the year of 1866.

Q You say he was working on a boat? A Yes, sir.

Q Do you know of your own knowledge that he has been living in the Cherokee Nation since 1866?

Mr. Hastings: I object to that.

Commissioner: How long has he been living in the Cherokee Nation to your knowledge? A His farm is just above and he has been here ever since I have been acquainted with him, backwards and forwards.

Mr. Hastings: You have had a farm here ever since? A I have had a farm there for 35 years.

Q You said since '66? A I have been acquainted with him since then, and I don't know of his being out of the Nation.

Q Where were you in 1866? A I was right here.

Q Here in Fort Gibson? A Here in Fort Gibson and different places in the Nation.

Q What were you doing? A I was working all the time.

Q Who was you working for? A Part of the time I was working for old Charley Journeyake and for people up there.

Q Jake Bartle? A Yes, sir.

Q Jake Bartle married a Salawee? A Yes, sir, he married old Charley Journeyake's daughter, yes, sir.

Q And that was the same year you saw George Vann down here? A Well for that matter I was working here, I was, but I was working backwards and forwards, I was here in '66.

Q That was the same year you saw the last?

Q That was the same year?

Q That was the same year?

Bartle was the same year you saw him? A I don't recollect exactly but I saw him in '66.

Mr. Hastings: What year were you working for Jake Bartle? A In about '66.

Q And you worked for Journeycake in the same year? A Yes, sir, at different times, I just worked backwards and forwards through the family.

Q Where did you get acquainted with Journeycake? A When I was up there, he used to live on Big Creek.

Q Was anybody up on Big Creek when you went there? A Yes, sir.

Q Have houses? A So e had houses, and just building, just starting.

Q In the spring of '66? A Well they had just made the houses, little houses, some of them just cutting and moving in.

Q Had farms? A No, sir, had little patches.

Q Who did you see up there in the spring of '66? A Why I seen a good many people.

Q Name some of them? A Jake Sanders? A You saw him in the spring of '66? A I saw him and all them.

Q Where did you come from when you came to Sequoyah? A When I come to Sequoyah, where did I come from?

Q Yes? A Why I come from the Nation.

Q From Big Creek? A Yes, I was down here in the Nation, and part of the time I lived on Grand River a while.

Q What was the name of that boat you say George worked on? A Fort Gibson.

Q By the name of Fort Gibson, was it? A Yes, sir, and she sank not far from Fort Smith,, she is right there now.

Q That was in '66; what was George doing on there? A He was the cook.

Q Has his wife on there? A I didn't see no woman.

Q Didn't he have any children? A Well he had a house of children.

Q Where was his house? A On the bank, on this side.

Q You saw them? A Yes, sir.

Q You were at his house? A No, sir, I wasn't at his house.

Q You saw them, how was that? A Well I could see the house up at the distance.

Q Did he have a little farm there on this place? A He wasn't farming, he was running as a cook.

Q How far from the river was his house? A Not far, I suppose about 50 yards or such matter to my knowledge.

Q Didn't you come to this country with Randolph White? A Randolph White?

Q Do you know him? A Yes, sir.

Q Where did you get acquainted with him? A When I left for here and got acquainted with him and he and I fetched him back here.

Q Where is Randolph now? A Right down here.

Q How far from here? A Not very far.

Q He knows when you came back here? A Certainly for I took him and went and fetched him back.

Q Where did you bring him from, Ohio? A I fetched him from Ohio.

Q What year did you bring him in? A When I fetched him I don't know exactly what year it was.

Q How long after the war? A I don't know, I think it must have been about '68, or some such matter, something about that time.

Q You knew him out there? A No I didn't, he was just a little boy.

Q Didn't you try to claim to be a Delaware? A I am part Delaware, Charley Journeycake, sir, have always claimed to be his relatives, you can tell by the looks of me I must be something else besides darky.

Q Who did you belong to before the war? A I belonged to before the war? A old John Glass.

Q Where did he live? A Lived up in Flint District.

Q You are an applicant for citizenship? A Yes, sir.

Q You are the fellow that joined the army in Ohio? A Yes, sir; after I ran away from here and went away and joined, but I come back here, I come back again.

ANDERSON TATUM, being duly sworn by Commissioner Needles, testified as follows:

A. S. McRae: Your name? A Anderson Tatum.

Q Your age? A About 58 years old.

Q Your postoffice address? A Benge.

Q How long have you lived in the Cherokee Nation, Mr. Tatum? A Well I have lived in the Cherokee Nation off and on for about thirty some odd years.

Q You acquainted with the applicant, George W. Vane? A Yes, sir, I know him.

Q When did you first become acquainted with him? A First time ever I saw him was in '87, in the year of '87.

Q What part of the year '87? A It was along sometime in the first part, I can't be positive what time it was.

Q Where did you meet him? A I met him at Fort Smith the first time ever I saw him, between Fort Smith and Van Buren.

Q Did you have any conversation with him then? A Yes, sir, slight.

Q What was the nature of that conversation?

Mr. Hastings: I reckon he will not tell that, that conversation.

Q Well, in that conversation that you and he had did he tell you where he lived? A Yes, sir.

Q Where did he say he lived?

Mr. Hastings: Now don't you tell that, I object to that. Commissioner: That has been the habit, to hear any conversations that the applicant had with the witnesses.

Mr. Hastings: If it is a declaration against his interest. Comes now the representatives of the Cherokee Nation and protest against the offering of the conversation had with the applicant in his own interest, on the ground that a declaration in interest is never admissible under any circumstances.

Commissioner: Maybe according to the strict rules of evidence it would not be, but we have been admitting it.

McRae: There was no living, did he say? A Said he was living on Garrison creek in the Cherokee Nation at that time.

Q Have you been seeing him continuously since then? A Well off and on I saw him after that, not in a while, but not very often, till here about a few years back.

Mr. Hastings: Where did you live at that time? A No, I lived in Crawford county.

Q And you never saw him before up to that time? A No, sir.

Q And you met and had a talk with him? A Yes, sir.

Q And how you are called upon 55 years afterwards to remember it? A Yes, sir.

Q A talk that you had with a stranger, you remember that, do you? A I remember being called on.

Q How long did you live in Crawford county then, after '88; how long did you continue after that time to live in Crawford county, Arkansas? A Lived there off and on several years.

Q When did you first come to the Cherokee Nation? A That has been thirty some odd years when I first struck the Cherokee Nation.

Q You know what year you came here? A No, sir, I don't, I went through this Nation when the cave was all down on the river.

Q When did you first settle in here, come up here to live? A When I first come up here it has been some thirty odd years.

Q You live near here than ever there? A No, sir.

Q You live near here now? A No, sir.

Q Where did you live before that? A No, sir.

Goodman lease, near Bob Owens.

Q How far is that from Fort Smith? A I think they call it 11 miles, I will not be positive.

Q Did Bob Owens own a place? A Yes, sir, when I first settled there to live he just had settled down, but you asked me what was the first time I was in the Cherokee Nation and I told you thirty some years, but I didn't settle down then.

Q How long ago has it been since you settled down there? A Going on eight years I believe, I will not be positive as to that.

Q Where did you come from? A Arkansas.

Q What county? A Crawford County.

Q And you settled by Bob ~~Vann~~ about eight years ago? A No, sir, not by Bob Vann about eight years ago.

Q How far you live from him? A About four miles and a half on this Valley line, between Muldrow and Cherokee and Heyward Young-blood's place.

Q How far did you live from Vann? A Something over a mile, maybe not so far.

A. S. McRea: You say that you have seen Vann off and on since the first meeting? A Yes, sir.

Q Do you remember where you seen him? A Yes, sir.

Q Where at? A I saw him at Fort Smith and in the Cherokee Nation here and several places in the states several times, I go backwards and forwards from here in the state a good deal, and the Indian Territory.

Mr. Hastings: Now don't you know that there wasn't never such a thing known as Garrison Creek until very recently the little branch has been named that? A No, sir, I don't know, for when I first saw it they called it Garrison Creek.

Q You ever tried in the courts for anything? A Yes, sir.

Q Where? A I was tried, let's see, I was tried at Van Buren one time for fighting.

Q Ever tried for anything else? A No, sir.

Q Never arrested for anything else? A No, sir, not in my life.


Q Been arrested only the one time? A Been arrested several times for fighting, I used to be pretty bad for scrapping.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the date of the Delaware Agreement made on the 8th day of April, 1867, under which the Delawares removed to this country.

QQQQQQQQQQ

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 8th of October, 1901.

Bruce C. Jones  


Commissioner.

File with Cherokee Freedman D-134, *Mary J. Youngblood*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 15, 1902.

In the matter of the application of George W. Vann and others  
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-115.

Applicants represented by A. S. McRea, Muskogee, I. T.  
Cherokee Nation represented by W. W. Hastings.

MR. McRea: Attorney for applicant desires the testimony of  
W. W. Wheeler, taken this day in the case of Joe Bruner, to be made  
a part of the record in the cases of George W. Vann and others and  
Eliza Robinson.

COMMISSION: The request of the attorney for the applicant will  
be complied with.

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Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported 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 19th day of May, 1902.

(Seal) (Signed) P. G. Reuter,  
Notary Public.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 15, 1902.

In the matter of the application of Joseph Bruner et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1062.

Cherokee Nation represented by W. W. Hastings.

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

MR. HASTINGS: What is your name? A. J. C. Starr.

Q Are you stenographer for the Cherokee attorneys? A Yes, sir.

Q Did you make any effort to get service upon Joe Bruner, the  
applicant in this case? A Yes, sir, I did.

Q What did you do? A Sent a notice and a registered letter to his  
postoffice at Benge, I. T., and the postmaster informed me that Joe  
Bruner was dead, and he couldn't deliver the letter.

MR. HASTINGS: Come now the representatives of the Cherokee  
Nation and move to submit testimony in this case as to Joe Bruner's  
children for whom he made application for enrollment.

COMMISSION: The request of the Cherokee Nation will be enter-  
tained and the testimony heard.



W. W. WHEELER, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A W. W. Wheeler.
- Q How old are you, Mr. Wheeler? A I am between 54 and 55.
- Q What is your postoffice? A Ballisaw, Indian Territory.
- Q Did you know the applicant, Joseph Bruner, a colored man? A Yes, sir.
- Q Did you know him before the war? A Yes, sir.
- Q Who did he belong to when the war came up? A At the time the war came up he belonged to E. B. Bright.
- Q Where was he living? A Fort Smith, Arkansas.
- Q Was he a citizen of the state of Arkansas? A Yes, sir.
- Q Not a citizen of the Cherokee Nation? A No, sir.
- Q He had formerly belonged to your father? A Yes, sir.
- Q And your father had sold him to Bright? A Yes, sir, but my father bought him from Mitchell Sparks.
- Q But he had sold him before the war? A Yes, sir, sold him before the war.
- Q About how long before the war? A I believe he sold him in '60.
- Q To E. B. Bright? A To E. B. Bright.
- Q He was freed by E. B. Bright? A He ran off from E. B. Bright and he never was captured there.
- Q He was his slave? A He was his slave.
- COMMISSIONER: Was E. B. Bright a citizen? A Citizen of the state of Arkansas.
- Q Wasn't a citizen of the Cherokee Nation? A No, sir.

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 19th day of May, 1902.

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

(Seal)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 17, 1902.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO P-215.

APPEARANCES:

- A. S. Moran, for applicant.
- W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

No. 2. G. W. Vann,  
vs.  
Cherokee Nation

Before the Commission on Citizenship, Muskogee, C. T.

May 2nd, 1878.

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of the opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

D. L. Nicholson,  
Clerk of Comm.

Geo. Chambers, Pres.  
O. P. Brewer,  
Sec. Downing.

MR. McREA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed here with the record showing that the applicant George Vann made application before the Commission as set forth.

MR. HASTINGS: The above objection is refuted by the judgment itself which shows that the claimant, George W. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

MR. McREA: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has had time and opportunity to present the same before now.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al, F. D. 134, Cornelia Hill, F. D. 135, Almira Viggins et al, F. D. 138, Richard Vann, F. D. 139, and George W. Vann, D-113, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. McRea, present.

Arthur J. 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 fore-

going 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, 1902.

(Signed) P. 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.

*H. M. Vance*  
Subscribed and sworn to before me this 31st day of July, 1902.

*Bruce B. Jones*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskeget, I. T., May 17, 1902

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-115

APPEARANCES:

A. H. McKee, for applicant.  
W W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

G. W. Vann No. 3        vs? Cherokee Nation.	}	Before the Commission on citizenship, Tahlequah, C.N. May 2nd, 1878.
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The claimant in person and by attorney presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by his attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, the essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

D. L. Nicholson,  
Clerk of Com.

Jno. Chambers, Front.  
O. P. Brewer  
Geo. Downing.

Mr. McKEE: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed herewith, the record showing that the applicant George Vann made application before the Commission as set forth.

MR. HASTINGS: The above objection is refuted by the judgment itself which shows that the claimant, George W. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

Mr. McKEE: It is further objected as by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has

had time and opportunity to present the same before now.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31st, 1902, in which to introduce testimony either for or against the claimant.

BOGERTSON: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al. F. D. 124, Cornelia Hill, F. D. 136, Almira Wiggins et al. F. D. 168, Richard Vann F. D. 169, and George W. Vann F. D. 171, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. Moran, present.

Arthur 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 22nd day of May 1902.

P. G. Reuter,  
Notary Public.

H. H. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above copy which is a true and correct copy of the original transcript in the above case.

Subscribed and sworn to before me this 9th day of July, 1902.

H. H. Kaufman  
Notary Public.

Cherokee Freedmen D 134.

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

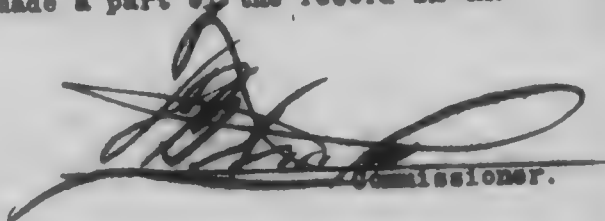
In the matter of the application for the enrollment of Mary J. Youngblood, et al., as Cherokee Freedmen.

S U P P L E M E N T A L   S T A T E M E N T

Upon examination of the Kern-Clifton roll of Cherokee Freedmen it appears that the applicant, Mary J. Youngblood, is identified thereon at page 160, No. 3954, Sequoyah District, by the name of Mary Jane Vann, age 30.

It is apparent from this enrollment that said applicant was born about the year 1866.

This statement is ordered made a part of the record in the above entitled case.

  
Commissioner.

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

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In the matter of the application of George W. Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George W. Vann, et al.,.....	Cherokee Freedmen	D	115
Mary J. Youngblood, et al.,..	"	"	D 134
Cornelia Hill,.....	"	"	D 150
Elmira Wiggins, et al.,.....	"	"	D 168
Richard Vann,.....	"	"	D 169
Young Vann, et al.,.....	"	"	D 1070
Isaac B. Vann, et al.,.....	"	"	D 1071
Mary J. Qualls, et al.,.....	"	"	D 1096

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 George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, Harrison, James and Peter Vann; said application also included his wife, Mary J. Vann, for whom he applied for enrollment as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time she is not embraced in this decision; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Fearly Hill and Geralee, Cassie E., Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Ann W. and Gant Vann; by Isaac B. Vann for himself and his two minor children, Felix and Catherine Vann; the last named application also included Belle Vann, wife of said Isaac B. Vann, but she is differently classified and is not embraced in this decision; and by Mary J. Qualls for herself and her minor children, James, John, Westly, Emperor, Sarah and Ben Qualls. Copies of the testimony of W. W. Wheeler taken in the case of Joseph Bruner, et al., Cherokee Freedmen D 1088, are made a part of the record herein.

The principal applicant, George W. Vann, claims right to enrollment as a Cherokee Freedman, alleging that he was, at the commencement of the rebellion, the slave of Jim Vann, a Cherokee citizen. It appears that said Jim Vann was one of the children of Joe Vann, a Cherokee citizen, who owned a large number of slaves, among them being one named George Vann; that some time prior to 1860 Joe Vann was killed and his slaves descended to his children, his daughter, Belliah Vann, coming into possession of George Vann last above mentioned; and that said George Vann was afterwards drowned

at Fort Scott, Kansas. The correct name of said principal applicant seems to be George W. McKamy, which name he bore from a time long before the war down to about 1877 or later; and it does not appear that said principal applicant was the slave of Jim Vann or any other Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since the commencement of the rebellion; that their rights to enrollment, if they possess any, are based upon those of said George W. Vann except the applicants, Elmira Wiggins with her two children, Alberta and Herbert Wiggins, Young Vann with his two children, Ann W. and Gant Vann, Mary J. Qualls with her six children, James, John, Westly, Emperor, Sarah and Ben Qualls, and Isaac B. Vann with his two children, Felix and Catherine Vann, whose rights to enrollment, if they have any, are based upon those of James Vann. The said James Vann, also called Jim Vann in the testimony, was born before the commencement of the rebellion and is a son of the principal applicant. It is alleged that said James Vann was the slave of a Cherokee citizen at the commencement of the rebellion, but it is not proven that he returned to or was residing in the Cherokee Nation at the time of the passage of the Cherokee treaty of 1866 or at any time within six months thereafter; the only evidence tending to show that he did return within such period being that of said George W. Vann, and it is shown by the evidence that the latter was not in the Cherokee Nation, himself, during said period.

None of the names 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 George W. Vann, his children, Harrison Vann, John Vann and Jane Vann, and his grandchildren, John Vann, Richard Vann, Thomas Vann, Harrison Vann, James Vann and Peter Vann; Mary J. Youngblood and her children, Sarah A. Howell, Pearly Hill, Coralee Youngblood, Cassie A. Youngblood, Richard Youngblood and Washington Youngblood; Cornelia Hill; Elmira Wiggins and her children, Alberta Wiggins and Herbert Wiggins; Richard Vann (son of George W. Vann); Young Vann, Ann W. Vann and Gant Vann; Isaac B. Vann and his children, Felix Vann and Catherine Vann; and Mary J. Qualls and her children, James Qualls, John Qualls, Westly Qualls, Emperor Qualls, Sarah Qualls and Ben Qualls as Cherokee Freedmen should be denied, under the provisions of Section 21 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.

Muskogee, Indian Territory,  
this MAR 11 1904



COPY

Charles Frederick  
Wells et al

Lawrence, Indian Territory, March 24, 1904.

W. W. Eastman,

Attorney for Charles Frederick

Wells, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of George W. Wells et al, rejecting the applications for the enrollment of George W., Harrison, John, James, John, Richard, Thomas, Harrison, James, Peter and Richard Wells, Mary J. Youngblood, Sarah A. Howell, Peary Hill, Corralco, Annie McRichard and Washington Youngblood, Corralia Hill, Elaina, Alberta and Herbert Higgins, Young, Lou F., Gust, Isaac W., Felix and Catherine Wells, Sam J., James, John, Family, Auguster, North and Ben Wells as Charles Frederick.

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. Nease

328  
Cherokee Freedmen  
D-115 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George W. Vann et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George W., Harrison, Tom, Jane, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Geralee, Cassie M., Richard and Washington Youngblood, Cornelia Hill, Elmira, Alberta and Herbert Wiggins, Young, Ann W., Gant, Isaac B., Felix and Catherine Vann, Mary J., Isaac, John, Westly, Superior, Sarah and Ben Qualls as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs,

Commissioner in Charge.

Enc. D-18.

Cherokee Freedmen  
D-115 et al.

Muskogee, Indian Territory, March 23, 1904.

A. S. Moran,

Attorney for George W. Vann et al.,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental proceedings had in the consolidated case of George W. Vann et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George W. Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter, and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Corales, Cassie M., Richard and Washington Youngblood, Cornelia Hill, Elmira, Alberta and Herbert Wiggins, Young, Ann W., Gant, Isaac B., Felix and Catherine Vann, Mary J., James, John, Vestly, Emperor, Sarah and Ben Qualls, as Cherokee freedmen. You have heretofore been furnished with a copy of the original record.

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

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

Respectfully,

*C. E. Hooper*

Register.

Enc. D-8.

Commissioner in Charge.

Cherokee Freedmen  
D-134.

Muskogee, Indian Territory, March 22, 1904.

Mary J. Youngblood,  
Beuge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your six children, Sarah A. Howell, Pearly Hill, Coralee, Cassie M., Richard and Washington Youngblood, as Cherokee freedmen. Your attorney, A. S. McRae, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

*F. B. Needles*

Commissioner in Charge.

Register.  
No. 2-2.

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, October 10, 1904.

Land.  
20181-1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Geralee, Gessie N. Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls.

March 22, 1904, the Commission decided adversely to all the applicants.

The report shows that the principal applicant, George W.

-2-

Vann, whose correct name seems to be George V. Vannoy, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The evidence shows that all of the other applicants were born since the beginning of the rebellion and any rights to enrollment they possess are derived from the name George V. Vann.

None of the names of the applicants is found on the 1850 authenticated Cherokee roll.

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

Very respectfully,

K.M.H.

Acting Commissioner,

Copy.

JF Jr.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 48730-1906.  
I.T.D. 10192-1904.  
11572- "

November 3, 1906.

LRS.

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

Sir:

On October 10, 1904 (Land 20181), the Indian Office transmitted a report of the Commission to the Five Civilized Tribes dated March 27, 1904, forwarding the record in the matter of the consolidated applications of George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill, and Coralee, Cassie M. Richard, and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls, for enrollment as Cherokee freedmen, together with its decision dated March 11, 1904, adverse to all of said applicants. The Indian Office concurred in the decision of the



Commission. A copy of its letter is inclosed.

On November 14, 1904 (Land 77698), the Indian Office also forwarded a communication from the attorneys for the applicants, transmitting a motion to reopen said case and hear additional testimony. A consideration of said motion develops the following facts:

The rights of all the applicants in the case are found by the Commission to depend upon the right of the principal applicant, George W. Vann, except applicants claiming by intermarriage and the descendants of James Vann, known as Jim Vann, the son of George W. Vann, who it is alleged was the slave of a Cherokee citizen at the commencement of the rebellion, and returned within the period prescribed in the Cherokee treaty. The decision of the Commission is based upon the claim of George W. Vann that he is entitled to enrollment by reason of the fact that at the commencement of the rebellion he was the slave of a Cherokee citizen, one Jim Vann, and that he returned to or was residing in the Cherokee Nation within the six months named in the treaty of 1866.

In the consideration of this case a large amount of testimony has been introduced by both the applicants and the nation, based on the above contention. It is now alleged in the motion of the applicants that George W. Vann was a free colored person residing in the Cherokee Nation at the commencement of the rebel-

lien, and that his son, James Vann, was also a resident of the Cherokee Nation prior to the war. It is further alleged that there was a confusion of names in this case by reason of the fact that Jim Vann, the son of Josh Vann, a Cherokee by blood, was chosen by George W. Vann as his protector previous to the rebellion.

It is also stated that the Commission erred in holding that the applicants should prove their return on or before the 19th day of January, 1867, instead of February 11, 1867.

The Department has considered the motion, together with the arguments filed in reference thereto. The affidavits filed in support of the motion are vague and unsatisfactory. It does not appear from the record that the applicants returned to and established a bona fide residence within the Cherokee Nation prior to February 11, 1867, as is required to be shown by the act of April 26, 1906 (34 Stat., 137), in Cherokee freedman cases.

It is not apparent that the principal applicant can overcome the adverse effect of the decision of the Cherokee Citizenship Commission created by the Cherokee act of 1877, which decision is dated May 2, 1878. The act creating the commission provides as follows:

"The commission on citizenship shall have cognizance of and exercise complete jurisdiction over all cases arising under the constitution and laws of the Cherokee Nation involving the right of citizenship as hereinafter specified."

Judge Springer in an opinion in reference to Cherokee citizenship, stated--

"In all cases wherein it appears that applicants for citizenship in the Cherokee Nation filed their claims before the proper tribunal or commission and in all cases where the tribunal or commission acting within the scope of its jurisdiction as prescribed by the law of the Cherokee Nation, and admitted such persons to citizenship, this court will regard such cases as adjudicated, and in all cases where such applicants were rejected, the same rule will apply. In order to set aside such adjudications, whether in favor or against such applicants, it must be made to appear to this court, either that the tribunal or commission acted without jurisdiction, or that the decision of the commission was procured by fraud."--(First Dawes Commission Report, page 128).

The decision of the Citizenship Commission is not attacked by the applicant. He must also overcome the strong suspicion of fraud raised by his former testimony.

In view of these facts, it is not deemed proper to put the Government, the nation, and the applicants to the expense of a further hearing.

The motion is hereby denied. The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, adverse to the applicants, is affirmed.

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

Respectfully,

E. A. Hitchcock.  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

Cherokee F.  
D.134 et al.

Muskegee, Indian Territory, November 14, 1906.

Mary J. Youngblood,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen your case, denied.

Respectfully,

Commissioner.

LMC

Cherokee W.  
D. 12b et al.

Muskogee, Indian Territory, November 14, 1906.

A. F. McRea,

Attorney for George W. Vann, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications of George W. Vann, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. C-20  
LAC

Cherokee F.  
D.115 et al.

Muskogee, Indian Territory, November 14, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications of George W. Vann, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. C-20  
LME

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office *Benge*

District *Sequoyah*

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

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

(1) Name of wife *Mary J. Youngblood* Age *40*  
Owners name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year *K.C.* Page *160* No. *3954* District *Sequoyah*

Parents:

Father *George W. Vann* Citizenship *Cal*

Mother *Narcissa Vann* Citizenship *Cal*

Names of Children:

No.	Name	Year	Page	No.	District	Age
2	<i>Sarahy Howell</i>	<i>K.C.</i>	<i>160</i>	<i>3958</i>	<i>Sequoyah</i>	<i>20</i>
3	<i>Pearly Hill</i>	<i>K.C.</i>	<i>160</i>	<i>3957</i>	<i>Sequoyah</i>	<i>18</i>
4	<i>Louise Youngblood</i>	<i>K.C.</i>	<i>160</i>	<i>3955</i>	<i>Sequoyah</i>	<i>9</i>
5	<i>Carrie May</i>	<i>K.C.</i>	<i>160</i>	<i>3959</i>	<i>Sequoyah</i>	<i>5</i>
6	<i>Richard</i>	Year _____	Page _____	No. _____	District _____	<i>2</i>
7	<i>Washington</i>	Year _____	Page _____	No. _____	District _____	<i>2</i>
8.		Year _____	Page _____	No. _____	District _____	
10.		Year _____	Page _____	No. _____	District _____	
11.		Year _____	Page _____	No. _____	District _____	
12.		Year _____	Page _____	No. _____	District _____	

Application made by

*no (1)*

Enumerated *Jones B. C.*

- (1) - K.C. Roll "Mary Jane Vann"
- (2) - K.C. Roll "Annie Hill"
- (3) - K.C. Roll "Pearly Hill"
- (4) - K.C. Roll "Youngblood"
- (5) - K.C. Roll "Youngblood"
- (6) Proof of Birth to be filed
- (7)

# **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 J. Youngblood,

Dango, I.T.

Cherokee F-D-134

Register.

**TAMS BIXBY,**

**T. B. NEEDLES,**

**C. R. BRECKINRIDGE,**

**Commissioners.**



Char. Fr. R. 840

Trans. from C. Fr. D. 135

Char. Fr. R. 840

COMMISSION TO TAKE DEPOSITIONS.

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

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 fully to examine Granville Crimshaw, John Rudinell, John Henry, and John Weaver as witnesses in a certain application now pending before the Commission to the Five Civilized Tribes for the enrollment and Freedmen of the Cherokee Nation of George W. Vann et al.

THHEREFORE, we desire that you cause the said witnesses to come before you; and, first duly swearing, them to testify the whole truth in the premises, that you cause them to be examined by 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 witnesses in your presence, setting forth first, the direct questions and answers thereto, and then following with the cross-examination and the answers thereto; and the whole then ordered to be read over to the witnesses and by them subscribed; and when you shall have completed the taking of said depositions, then that you send the same without delay, duly certified, with the commission, caption, exhibits, and certificate attached, closed under your seal, with an indorsement 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 Muskogee, Indian Territory.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Taken at Muskogee, Indian Territory,  
the 11th day of April, 1902. By (Signed) T. B. Hutton,  
Commissioner.

CAPTION OF DEPOSITIONS.

The depositions of Granville Crimshaw, John Rudinell, John Henry, and John Weaver, taken on the 12 day of May, 1902, between the hours of 8 o'clock A. M. and 6 o'clock P. M., at the office of Harry Wesson, a Notary Public for the County of Sebastian, in the city of Fort Smith, in the state of Arkansas, to be read in evidence in the matter of the application of George W. Vann et al, for enrollment as Freedmen of the Cherokee Nation, pending before the Commission to the Five Civilized Tribes and the Department of the Interior.

NOTICE TO TAKE DEPOSITIONS.

Geo. W. Vann et al, Plaintiffs. } Before the  
Against } Commission to the Five Civilized  
Cherokee Nation, Defendants. } Tribes, sitting at Muskogee, I. T.

To Messrs. Bell, Hastings and Davenport, Att'ys for the Cherokee Nation of Indians.

You are hereby notified that depositions of witnesses to be read in evidence in the above entitled cause on the part of the Plaintiff will be taken at Fort Smith, in the County of Sebastian, and State of Arkansas, on the 12th day of May, 1902, between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon; and that the taking of the said depositions if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

(Signed) Geo. W. Vann et al.

A. S. McKee, Atty. for Plaintiffs.

United States of America,  
Indian Territory,  
Northern District.

Personally appeared before the undersigned, a Notary Public in and for the Northern District, Indian Territory, G. W. Vann, having been sworn according to law deposed and states that he made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee Freedman at Fort Gibson, I. T. April, 1901. That he desires the testimony of witnesses to be taken by depositions as the same is material in his behalf, tending to prove the status of his citizenship as a Cherokee Freedman according to Art 5 of the treaty stipulations of 1866. That the said witnesses are aged and infirm, and can not appear before the Commission in person to testify in his behalf; that the said applicants are non-residents of the Indian Territory. That the names and post office addresses of the said applicants are as follows:

- John Weaver, Fort Smith, Ark.
- John Rudisill, " " "
- John Henry, " " "
- Granville Grimes, " " "

(Signed) Geo. W. Vann,

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

(Signed) D. L. Jackson

Notary Public.

A. S. McKee, Atty. for Applicants.

OBJECTIONS OF COUNSEL FOR CHEROKEE NATION.

Comes the representative of the Cherokee Nation and appears specially and objects to the taking of any testimony upon the commission issued by the Daves Commission in this case, for the reason that in the commission and the notice served upon the representative of the Cherokee Nation there was no place fixed in the city of Fort Smith, Arkansas, as to where the depositions would be taken. The representative of the Cherokee Nation appeared specially for this objection only, there being no place named in the notice served upon them as to what place they would be taken, excepting designating in the city of Fort Smith, Arkansas, without fixing any place whatever.

2. Because there is no law authorizing the Daves Commission to issue a commission to any officer to take the deposition of any witness in this case; and because of the further fact that the Daves Commission is now in open session sitting at four different places in the Cherokee Nation and at one in the Creek Nation, at Muskogee, for the purpose of hearing testimony, and that pending their sessions there is no law authorizing depositions to be used before that body.

3. There is no law in force in the United States authorizing the Daves Commission to go beyond the geographical limits of the five civilized tribes to take testimony in any case, save and except in the cases what is known as the Mississippi Choctaws.

4. Because the interrogatories are not certified to by the Daves Commission as having been the interrogatories that were filed before them to be answered upon the hearing fixed on the 12th day of May, 1902.

OBJECTIONS OF COUNSEL FOR APPLICANT.

Comes now the attorney for the applicants and moves that the within motion made by the representative of the Cherokee Nation be stricken from the face of the record, for the reason that the same is irregular and informal.

The deposition of John Rudick taken on the 12th day of May, 1902, betw en the hours of 8 o'clock A. M. and 6 o'clock P. M. at the office in the city of Fort Smith, in the County of Sebastian, and state of Arkansas to be read as evidence in an action between Geo. W. Vann et al, Plaintiffs, and the Cherokee Nation of Indians, Defendants now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

- Int. 1. (a) State your name? Ans. John Rutzel.  
(b) Age? Ans. 51 years old.  
(c) Post Office Address? Ans. Fort Smith, Ark.
- Int. 2. (a) What is your occupation? Ans. Deputy Sheriff, Sebastian Co. Ark.  
(b) Are you acquainted with the plaintiff, or applicant, Geo. W. Vann? Ans. I am.

(c) How long have you known him?

Ans. I have known him nearly all my life, 35 or 40 years, about the close of the war all since.

Int. 3. (a) Where did you first learn to know him?

Ans. I first learned to know him when I commenced to work in my father's store, where he traded, which was in 1864 or 65.

(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the rebellion between the North and the South?

Ans. My understanding was he was a slave of Jim Vann.

(c) To whom did he belong?

Ans. Jim Vann.

Int. 4. (a) Was he a Cherokee Indian by blood?

Ans. Yes; that was always my understanding.

(b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866 - 67?

Ans. During the years 1866 - 67 he lived close to Fort Smith in the Cherokee Nation.

(c) Do you know if he was in the Cherokee Nation, I. T. in the summer of 1866 or the early part of 1867?

Ans. I am not positive, but I am almost sure he was in the Cherokee Nation during that time.

Int. 5. (a) Have you seen and met with the applicant, Geo. W. Vann, after since you first learned to know him?

Ans. Yes, sir; very frequently.

(b) What was the longest period at any one time you ever missed seeing him?

Ans. I don't recall now any time that I missed seeing him for any length of time.

(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Ans. I was living in Fort Smith and was working in my father's grocery store.

Int. 6. (a) How long have you lived in the state of Arkansas?

Ans. I was born and raised in the state of Arkansas.

(b) How long in the city of Fort Smith?

Ans. All my life.

(c) Do you know where the applicant, Geo. W. Vann, now resides?

Ans. Yes, sir.

Int. 7. (a) Where?

Ans. Sequoyah District, Cherokee Nation, I. T.

(b) How long has he lived there to your knowledge or information?

Ans. For many years.

(c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war, and was owned by one Jim Vann, a Cherokee Indian.

Ans. Yes, sir; that has always been my ...

understanding.

Int. 8. (a) Is his statement true that he worked for a Doctor Bell in 1866 and for one Bill Campbell in 1867?

Ans. I could not answer as to that.

(b) Do you know whether or not the applicant was living on Ben Johnson's place, at the beginning of the war near Fort Smith?

Ans. I don't know.

(c) State all you know about the applicant?

Ans. I have stated about all I know. I have known him for a long time, and he has always been considered all right in every way, honest & upright.

(Signed) John Reutzel.

(Endorsed on back as follows:)  
DEPOSITION OF JOHN RUDISELL  
ORIGINAL.

Geo. F. Vann et al

vs

Cherokee Nation.

United States of America,  
Northern District,  
Indian Territory.

I received the within interrogatories and copy thereto affixed together with true copies thereof on the 8th day of April, 1902, & on this 8th day of April, 02 at 10-35 o'clock A. M. I served the interrogatories & notice thereof by delivering to Att'ys for Cherokee Nation Indians, Messrs. Bell, Hastings & Davenport in person a true & correct copy of said interrogatories, which were propounded by Geo. F. Vann et al together with a copy of notice accompanying them. SAME.

(Signed) Wm. Herring,  
City Marshall.

-----  
**OBJECTION OF ATTORNEY FOR APPLICANTS.**

Comes now attorney for applicants and objects to the course of procedure on the part of the representative of the Cherokee Nation for cross-examination, for the reason that representatives of the Cherokee Nation had due notice that this testimony would be taken by interrogatories, they having failed to file cross-interrogatories in this matter, and are now too late.

OBJECTION OF COUNSEL FOR CHEROKEE NATION.

Representatives of the Cherokee Nation appear specially and object to the taking of the depositions upon the interrogatories submitted, because there is no showing whatever that they have ever been filed in the office of the Dawes Commission or the Commission to the Five Civilized Tribes of Indians, as required by the Arkansas law in force in the Indian Territory, and there is no authority shown whatever that the Commission has ever had in their possession the interrogatories sought to be answered; and for the further fact that if the interrogatories have been filed properly the applicant and his attorneys have no right whatever to be present when the same are answered, unless both parties are allowed at the taking.

Thereupon Mr. Davenport, of counsel for Cherokee Nation asked the witness John Reutzel the following question.

Question: When your interrogatories were being answered, was either the applicant, the man who goes by the name of George W. Vann now, or his attorneys, Mr. Edmondson or Mr. McRae present?

WITNESS JOHN REUTZEL: Mr. Vann was not here. He (pointing to Mr. McRae) was here.

CROSS-EXAMINATION.

Q How long have you lived in the city of Fort Smith?

A 51 years.

Q In what part of the city of Fort Smith were you living at the close of the war?

A On Fifth St., with my father.

Q Have you ever known the applicant in this case by any other name than Geo. W. Vann?

A Sometimes they call him Johnson. In my boy days I sometimes didn't know whether his name was Johnson or Vann. I never knew him by any other name than Vann or Johnson.

Q Where was he applicant living when you first got acquainted with him?

A He was living in the Territory.

Q How far from Fort Smith?

A Only a few miles.

Q What year, as near as you can remember, did you get acquainted with Geo. Vann?

A At the close of the Civil War, in the year 1866, somewhere about that.

Q What, if anything, impresses it upon you that it was the year 1866?

A Because it was just at the close of the war.

Q On whose place was he living when you first got acquainted with him?

A I couldn't say.

Q Then, if at all, did you first learn the name of the farm on which he was living in the Cherokee Nation?

A I only heard of him living on the Johnson farm within the last few years. He may have been living on the farm all along; I don't know.

Q Do you know of your own knowledge whether the applicant, Geo. Vann, was a slave in the Cherokee Nation belonging to a Cherokee citizen at the breaking out of the Civil War?

A I don't know.

Q Were you old enough at the breaking out of the war to know any of the Cherokee citizens who lived in Sequoyah District, Cherokee Nation?

A No, sir.

Q How long after the close of the war before you became acquainted with some of the Cherokee citizens who lived in Sequoyah District?

(Objected to by Atty for applicant for the reason that the same is incompetent and irrelevant.)

A Some time about the close of the war or a little later.

Q How long did you continue working in your father's store, and how long coming and going?

A Ten years from the close of the war.

Q Can you say positively that Geo. V. Vann was living in the Cherokee Nation from the close of the war up to 1872?

A As far as I know he was. I think from that time until 1873 he was living there. After 1874 I quit the store.

Q Do you not know that Geo. V. Vann, the applicant in this case, was living in Roach's Cove near Stevenson, Alabama in 1866-67, and up until 1880, and while living there he married a sister of Roach, who now lives at Argenta, Arkansas?

(Objected to for the reason that the question is leading and for the further reason that it does not conform to the interrogatories propounded in the examination in chief.)

A No, sir; in fact I don't know who he is married to now, if he is married.

Q Could he have lived in Alabama in the year mentioned in the last question and you not have missed him?

A There could be such a thing, and that I would not have missed him.

Q Do you know of your own knowledge of his living outside of the Cherokee Nation since you got acquainted with him?

A No, sir.

Q In fact you haven't known much of Vann until recent years have you?

(Objected to for the reason that witness has already stated in his examination in chief and upon his cross-examination thereupon when he first became acquainted with the applicant.)

A Well, I have too. I will state this: After I left the grocery business, and was engaged in other business ten years, from about 1874 to 1884, his face was familiar around here, I would see him come back and forth, speak to him when I would see him. Then there was a lapse of two years that I was absent from the city, after 1884.

Q Are you acquainted with Gabe Payne?

A Yes, sir.

Q How long have you known him?

A I have known him ever since we were both children.

Q Do you know whether or not he is a citizen of the Cherokee Nation and lives in Sequoyah District, Cherokee Nation?

A He lives in the Cherokee Nation across the river from Fort Smith, and I have always understood that he was a Cherokee Indian.

Q How far from Gabe Payne's place in the Cherokee Nation is the place where you first learned Geo. W. Vann lived on?

A I don't know.



Q Gabe Payne would likely know how long the applicant has been residing in the Sequoyah District, would he not?

(Objected to for the reason that same is irregular & incompetent, it being a mere matter of opinion.)

A I would think he would.

Q Did you ever miss the applicant at all from the time you got acquainted with him for a year at a time?

A I don't think I ever missed him that long. If he was absent, I don't know it.

Q Then you never knew him when he lived in Argenta, Arkansas?

A I never knew he lived in Argenta.

Q Then you have no knowledge whatever of his having been appointed constable of Eastman Township, Pulaski County, Ark., in 1871?

A No, sir.

Q What other colored man did you get acquainted with who lived in the Cherokee Nation just after the close of the war?

A I don't know of anyone that I could call by name now.

Q What Cherokee did you get acquainted with just after the close of the war that lived in the Sequoyah District, Cherokee Nation?

A I don't know what I could name any of them. I am a poor hand anyway to remember names unless I see the person right before me.

(Here the taking of deposition was continued until tomorrow morning, May 13-02, at 8-30 o'clock, it now being 6 o'clock P. M.)

(Signed) H. A. Wooten,  
Notary Public.

Tuesday, May, 13, 1868, 9 o'clock A. M.

Cross-examination continued.

John Reutzel, being recalled, testified as follows:

Q Have you any recollection of the names of any parties whom you know lived in Sequoyah District, Cherokee Nation when you first got acquainted with the applicant, Geo. W. Vann?

A The Campbell family and the Johnson family that lived over there, and I remember a family by the name of Vickory.

Q Did you ever know a man by the name of Joe Bowers who lived in the Sequoyah District, Cherokee Nation?

A Yes, sir.

Q Did you get acquainted with Bowers before you did Vann or after?

A After. It was a long time, I would see Bowers come over here before I knew him by name.

Q About how long after the war was it that you got acquainted with Bowers?

A I think I got acquainted with Bowers along about 1865, 1867, or 1868.

Q Did you ever know Jim Vann?

A No, sir.

Q Did you ever know Ben Johnson, a Cherokee?

A I don't know that I could say that I remember him.

Q Did you ever meet a Mrs. Bar?

A No, sir; the name sounds familiar, but I don't remember.

Q Did you know Mrs. E. D. Bright?

A Yes, sir.

Q Do you know where Geo. W. Vann, the applicant, was living in the summer of 1871?

A I don't know. I saw him here in Fort Smith back and forth, but I don't know just where he was living in that particular year.

Q. Do you know whether or not in the year 1877 there was a depot or railroad station near the Arkansas River, Sequoyah District, Cherokee Nation?

A. Yes, sir.

Q. Was Gabe Payne living and farming near where this depot was located in 1877?

A. He was.

Q. Did you ever know the applicant in this case by the name of Geo. W. McCaney?

A. I never did.

Q. Did you ever know Ben Johnson, a colored man, who lived in the Sequoyah District?

A. No, sir.

Q. Did you ever know Joe Bruner, a colored man?

A. Yes, sir.

Q. Did you know anything of the applicant prior to the war?

A. No, sir.

(Signed) John Reutzel.

The deposition of Granville Grimes taken on the 3 day of May, 1908, between the hours of 5 o'clock A. M. and 5 o'clock P. M. at the office in the city of Fort Smith in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al plaintiffs and the Cherokee Nation of Indians defendants, now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

Int. 1. (a) state your name?  
Ans. Granville Grimes.  
(b) Age?  
Ans. I am 78 years old.  
(c) Post Office Address?  
Ans. Fort Smith, Ark.

Int. 2. (a) What is your occupation?  
Ans. I am unable on account of old age & being a cripple to work.  
(b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann?  
Ans. Yes, sir.  
(c) How long have you known him?  
Ans. I have known him since about 1860.

Int. 3. (a) Where did you first learn to know him?  
Ans. At Kennedy's mill, corner of 4th St & Garrison Av., Fort Smith, Ark.  
(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the Rebellion between the North and the South?  
Ans. I don't know.  
(c) To whom did he belong?  
Ans. I don't know.

- Int. 4. (a) Was he a Cherokee Indian by blood?  
Ans. I don't know.  
(b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866-67?  
Ans. Yes, sir; I know he lived across the river from Fort Smith in the Cherokee Nation.  
(c) State if you know if he was living in the Cherokee Nation, I. T., in the years 1866-67 and under what circumstances you base your knowledge of that fact?  
Ans. I was working at Kennedy's mill at that time, and Geo. W. Vann would come every Saturday to the mill with corn to have it ground into meal. He generally came in a wagon and generally had with him a Cherokee Indian by the name of Mose Johnson and I am positive at that time Geo. W. Vann lived in Cherokee Nation.
- Int. 5. Have you seen and met with the applicant, Geo. W. Vann, after since you first learned to know him?  
Ans. I have lived in Fort Smith since that time and have seen him often.  
(b) What was the longest period at any one time you ever missed seeing him?  
Ans. I don't think I ever missed seeing him more than one month at any time, or possibly two months.  
(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?  
Ans. I was living at Fort Smith, Ark., and was engineer at Kennedy's mill.
- Int. 6. (a) How long have you lived in the state of Arkansas?  
Ans. Since 1866, since May, 1866.  
(b) How long in the city of Fort Smith?  
Ans. I came to Fort Smith in 1866 & have lived there ever since.  
(c) Do you know where the applicant, Geo. W. Vann, now resides?  
Ans. Yes, sir.
- Int. 7. (a) Where?  
Ans. In the Cherokee Nation, near Fort Smith.  
(b) How long has he been living there to your knowledge or information?  
Ans. Ever since I have known him, since 1866.  
(c) Is the statement of Geo. W. Vann correct when he states that he was owned by one Jim Vann, a Cherokee Indian, and was a slave in the Cherokee Nation before the war?  
Ans. I don't know.
- Int. 8. (a) Is the statement true he worked for a Doctor Bell in 1866, and for one Bill Campbell in 1867?  
Ans. I don't know. I know he was working for someone in the Cherokee Nation in 1866-67.  
(b) Do you know whether or not the applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?  
Ans. No, sir.  
(c) State all you know further about the applicant?  
Ans. I don't know anything further.

(Endorsed on back as follows:)  
THE DEPOSITION OF GRANVILLE CRIMPSHAW.

Geo. W. Vann et al  
vs  
Cherokee Nation.

Original.

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

I received the written interrogatories and copy thereto annexed together with true copies thereof on 8th day of April, 03, at 10-35 o'clock A. M. I served said interrogatories and notice thereof by delivering to Attys for Cherokee Nation Indians, Messrs. Bell, Hastings and Davenport in person a true and correct copy of said interrogatories which were propounded by Geo. W. Vann together with a copy of notice accompanying same.

(Signed) Wm. Herring,  
City Marshall.

Cross-examination.

- Q How long have you lived in Fort Smith, Ark?  
A Since the 15th of May, 1866.  
Q What state were you raised in?  
A I was raised in Limestone Co., Ala.  
Q How far did you live from Roach's cove in Alabama?  
A I don't recollect. I lived below Huntsville.  
Q Did you ever know the applicant by any other name than Geo. W. Vann?  
A No, sir.  
Q Did you know the applicant while he was living in Alabama?  
A No, sir.  
Q Did you know the applicant while he was living in Argenta, Ark?  
A No, sir.  
Q Has he ever lived with his family outside of the Cherokee Nation since you got acquainted with him?  
A I don't know, sir.  
Q What makes you remember that it was May 15, 1866, when you came to Fort Smith, Ark?  
A Because I know what year I came here, the year after the surrender.  
Q With whom did you come when you came to Arkansas?  
A When I come from Fort Gibson, I. T. here by myself. I came here from Ft. Gibson with a man by the name of Andy Campbell, whom I met at Fort Gibson. I was on my way from Texas.  
Q Who did you come with from Texas to Fort Gibson?  
A I came with a man by the name of Allen from Bonham, Tex., to Ft. Gibson.  
Q Where were you when the war closed?  
A I was in Houston, Tex.  
Q Were you a slave before the war?  
A Yes, sir.  
Q You are not an applicant for citizenship as a Freedmen of the Cherokee Nation?  
A No, sir.  
Q How long after you came to Fort Smith until you became acquainted with Geo. W. Vann, the applicant?  
A I don't know exactly how long, but I think it was in the same time in the year I came here.

- Q Did you know of Andy Campbell?
- A Yes, I came back to Kansas, so I was informed.
- Q Did you travel when you came from Houston to Fort Smith?
- A Yes, in a wagon; and I got here May 15-1866.
- Q Did you know whether or not when you came to Fort Gibson the colored Parkies were returning to get their right under the treaty to have them a right to a portion of the lands and property belonging to the Cherokee tribe of Indians?
- A I don't know.
- Q Did you know of any colored man who lived in the Cherokee Nation besides the applicant did you get acquainted with in 1866?
- A I knowed old man Jack Campbell who is dead now.
- Q Did you know of any colored or white man who lived in the Cherokee Nation besides the applicant did you get acquainted with?
- A I don't recollect them now.
- Q What place was Geo. W. Vann living in the Cherokee Nation when you got acquainted with him?
- A I don't know.
- Q How do you know he was living in the Cherokee Nation at all then?
- A I just know it by his coming over the mountains to the mill.
- Q Where did he live located from where the ferry was on the river at that time?

A Right on the corner of Fourth Street and Garrison Ave, in Fort Smith.

- Q Did the applicant Geo. W. Vann bring corn to the mill to be ground in 1866 shortly after you came to Fort Smith in 1866?

A Yes, sir.

- Q Where did you work at?

A Jerry Kennedy's.

- Q How long was the Kennedy family living there?

A Yes, sir; Kennedy's wife is living. Mrs. Kennedy lives on Third Street and B Street in Fort Smith, Ark.

- Q Did you ever visit the applicant in the Cherokee Nation?

A Yes, sir.

- Q Do you know where he lives now?

A I don't know.

- Q Did you know of any other colored man did you get acquainted with in Fort Smith besides the applicant?

(Objected to by Atty for applicant for the reason that the question is irrelevant and incompetent and has no bearing upon the question at issue, the witness being called upon to testify of his knowledge and acquaintance of the applicant, Geo. W. Vann.

- Q Did you know of any other colored man did you get acquainted with in Fort Smith besides the applicant?

A Yes, sir; I knowed old man Jack Campbell who is dead now.

- Q Did you ever testify in this case before?

A No, sir.

- Q When were you first spoken to about being a witness in this case?

A I think about a week ago, or may be two weeks.

- Q Didn't you tell him then what you knew about the case?

A I didn't give him much answer. I kind of laughed at him.

- Q Have you any record that fixes that date for you as to when you came to Fort Smith, Ark?

A No, sir.

Q Then without any record, and after a lapse of 36 years, you undertake to give the month and the day of the month that you arrived in Fort Smith, Ark?  
 A Well, I counted it when I came here, I kept count when I was on the road how long it took me to come here, and that is how I recollect.  
 Q How long was you on the road?  
 A I was on the road 15 or 16 days.  
 Q When did you start?  
 A I started on the 1st day of May.  
 Q When you left Benton did you leave to come to Fort Smith?  
 A Yes, sir.  
 Q What year is this under?  
 A I don't recollect.  
 Q What year was the Brooks Baxter war?  
 A I don't know.  
 Q What year was the federal court building that is now occupied here built?

(Subjected to for the reason that witness is called upon to testify as to his knowledge and acquaintance of Geo. W. Vann, the applicant, and not as to the commencement of the Brooks Baxter war and the time as to the erection of the federal court building at Fort Smith, Ark.)

A I don't remember the year it was built.  
 Q Who was the Federal court Judge holding court here when you came to Fort Smith?  
 A There was none here. The federal court was then in Van Buren. his  
 Oakville x Greenhaw.  
 mark

Witness:-

(signed) F. A. Weartman.

The deposition of John Henry taken on the \_\_\_\_\_ day of \_\_\_\_\_ 1902, between the hours of 8 o'clock A. M. and 5 o'clock P. M. at the \_\_\_\_\_ of \_\_\_\_\_ in the city of Fort Smith, in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al plaintiffs, and the Cherokee Nation of Indians, defendants now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

Int. 1. (a) State your name?  
 (b) Age?  
 (c) Post office address?

Int. 2. (a) What is your occupation?  
 (b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann.  
 (c) How long have you known him?

Int. 3. (a) Where did you first learn to know him?  
 (b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the rebellion between the North and the South?  
 (c) To what did he belong?

Int. 4. (a) Was he a Cherokee Indian by blood?  
 (b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866-67?  
 (c) Do you know if he was in the Cherokee Nation, I. T. in the summer of 1866 or the early part of 1867?

Int. 5. (a) Have you seen and met with the applicant, Geo. W. Vann, often since you first learned to know him?  
 (b) What was the longest period at any one time you ever missed seeing him?  
 (c) Where were you living at the time you first got acquainted with him, and what was your occupation at that time?

Int. 6. How long have you lived in the state of Arkansas?  
 (b) How long in the city of Fort Smith?  
 (c) Do you know where the applicant, Geo. W. Vann, now resides?

Int. 7. (a) Where?  
 (b) How long has he resided there to your knowledge or information?  
 (c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann, a Cherokee Indian?

Int. 8. (a) Is his statement true that he worked for a Doctor Bell in 1865 and for one Bill Cornball in 1867?  
 (b) Do you know whether or not the applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?  
 (c) State all you know about the applicant?

(Endorsed on back as follows)  
 Deposition of John Henry,  
 Original.

Geo. W. Vann et al  
 vs  
 Cherokee Bell &  
 United States of America,  
 Indian Territory,  
 Northern District.

I received the within interrogatories with only one or two answers together with true copies thereof on 4th day of April, 1867.

at 10-35 o'clock A. M. I served said interrogations and notice thereof by delivering to Atlys for Cherokee Nation Indians, Messrs. Bell, Hastings and Davenport in person a true and correct copy of said interrogatories, which were propounded by Geo. W. Vann et al together with a copy of notice accompanying same.

(signed) Wm. Herring,  
City Marshall.

The deposition of John Weaver taken on the \_\_\_\_\_ day of \_\_\_\_\_, 1868 between the hours of 8 o'clock A. M. and 8 o'clock P. M. at the \_\_\_\_\_ office in the city of Port Smith, in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al plaintiffs, and the Cherokee Nation of Indians defendants, now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

Int. 1. (a) State your name?

(b) Age?

(c) Post Office Address?

Int. 2. (a) What is your occupation?

(b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann.

(c) How long have you known him?

Int. 3. (a) Where did you first learn to know him?

(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the rebellion between the North and the South?

(c) To whom did he belong?

Int. 4. (a) Was he a Cherokee Indian by blood?

(b) Do you know of the whereabouts of the applicant, Geo. W. Vann during the years 1866-67?

(c) State if you know, if he was living in the Cherokee Nation, I. T. in the years 1866-67, and under what circumstances you have your knowledge of that fact?

Int. 5. (a) Have you seen and met with the applicant Geo. W. Vann after since you first learned to know him?

(b) What was the longest period at any one time you ever missed seeing him?

(c) Where were you living at the time you first got acquainted with him, and what was your occupation at that time?



- Int. 6. How long have you lived in the State of Arkansas?  
(b) How long in the city of Fort Smith?  
(c) Do you know where the applicant, Geo. W. Vann, now resides?
- Int. 7. (a) Where?  
(b) How long has he lived there to your knowledge or information?  
(c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann, a Cherokee Indian?
- Int. 8. (a) Is his statement true that he worked for a Doctor Bell in 1866, and for one Bill Campbell in 1867?  
(b) Do you know whether or not the applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?  
(c) State all you know about the applicant?

-----  
(Endorsed on back as follows:)  
Deposition of John Weaver.  
Original.

Geo. W. Vann et al  
Geo. W. Vann et al  
vs  
Cherokee Nation.

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

I received the within interrogatories and copy thereto annexed together with true copies thereof on 8th day of April, 03, at 10-35 o'clock A. M. I served said interrogatories and notice thereof by delivering to Attys for Cherokee Nation Indians, Messrs. Bell, Hastings & Davenport in person a true and correct copy of said interrogatories which were propounded by Geo. W. Vann et al together with a copy of notice accompanying same.

(Signed) Wm. Herring,

City Marshall.

C E R T I F I C A T E.

United States of America,)
County of Sebastian, ) ss.
State of Arkansas. )

I, Harry A. Woestman, a Notary Public within and for the County of Sebastian, State of Arkansas, do certify that the foregoing depositions of Granville Crimshaw, John Purisell, John Henry, and John Weaver, were taken before me and read to them in my presence, at the time and place and in the action mentioned in the caption, the said Granville Crimshaw, John Purisell, John Henry, and John Weaver, having been duly sworn by me that the evidence they should give herein, should be the truth, the whole truth, and nothing but the truth, and their statements were reduced to writing by me in their presence (ex-~~istence~~-~~in~~-~~my~~-~~presence~~), the applicant being present at the examination, and counsel for both the applicants and Cherokee Nation 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 the seal of office on this the 13th day of May, A. D., 1902.

(SEAL)

(Signed) H. A. Woestman,

(Here affix seal.)

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, and the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 16th day of Aug., 1902.

Be Jones
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I-T., April 28th, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, three children and six grandchildren as Cherokee Freedmen, and for the enrollment of his wife, Mary J. Vann, as a Cherokee Freedman by intermarriage; said Vann being sworn and examined by Commissioner G. R. Agnewbridge:

Appearances:

Mr. John F. Faulde, Attorney for Applicant;  
Mr. W. W. Hastings, Cherokee Representative.

- Q Give me your full name? A George W. Vann.  
Q How old are you? A Be 77 on the 27th day of December next.  
Q What is your postoffice? A Benge.  
Q In what district do you live? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.  
Q Do you want to enroll anybody besides yourself? A I want me and about ten children.  
Q Have you a wife? A I have.  
Q Do you want to have her enrolled? A If it is law that she can be enrolled.  
Q You want to apply for her and see? A Yes, sir.  
Q And you have ten children? A Yes, sir.  
Q Are these children all under 21 years of age? A No, sir. There is one of them that is of age, one of them is about 50.  
Q He will have to apply for himself; the others are under 21 are they? A No, there is not ain't, by one woman, and the others are under age.  
Q You have got three children that are over age? A Yes, sir.  
Q That brings you down to seven that you can apply for yourself?  
A That is all.  
Q Now, that seven are all unmarried? A No, sir, some of them are married.  
Q Those married will have to apply for themselves; so how many unmarried children have you that you can apply for? A Four.  
Q You have got six grandchildren? A Yes, sir.  
Q Are they living with you? A Yes, sir; they are going to school over in the Choctaw Nation.  
Q They are all under 21 and unmarried? A Yes, sir.  
Q You can apply then for yourself, your wife, four minor children, unmarried children, and six orphan children? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I come here in; about well I come here before that, before I ever moved here, I come here in '35, '36 and '37; I come here in '36.  
Q Were you a slave at that time? A I was.  
Q Did you live in the Cherokee Nation from the time you came here in 1836 until the civil war broke out, the war between the North and South? A Yes, sir; that was my home.  
Q Were you a slave all the time? A Yes, sir; until the proclamation of Abraham Lincoln set me free.  
Q You were a slave until you were set free by the war? A Yes, sir.  
Q Where were you during the war? A Sometimes in the Choctaw Nation, sometimes in the Creek, sometimes in Fort Smith, sometimes down on the River running on the steamboat down the Mississippi; was everywhere I could make money.  
Q You ranged over a wide scope of country? A Yes, sir.  
Q You were some in Arkansas? A Yes, sir.  
Q Some in Texas? A No, sir, I never lived in Texas.  
Q You worked on a steamboat for a while? A Yes, sir.  
Q How far down the river did you get? A To the Mississippi River; went from Pitt, back to the Mississippi River, ran backwards and forwards to the River.  
Q How long did you run on the River there? A Some times or four

months; the boat we was on was called Idowees.

Q What time did you come back to the Cherokee Nation after the war closed? A I never went off, I never went away to stay any at a time.

Q In what year were you boating out there on the Arkansas between Fort Smith and Little Rock? A I boated some there in '75.

Q We are talking about the time during the war? A I was not boating there, the war was principally over; during the war I was running from Fort Smith up here carrying provisions to the soldiers, the regulars.

Q Now, the point I want to get at is where you were during the war?

A I was, sometimes in the Cherokee Nation, sometimes in the Choctaw Nation, sometimes down home, sometimes on the bridge there, sometimes fishing on the river; wherever I could make money.

Q When the war closed you settled down did you? A Yes, sir.

Q When did you marry? A I married here before the war, many years.

Q What business do you follow now? A I follow preaching and doctoring and farming, I have got two farms.

Q How long was it after the war closed was it until you settled down to farming? A Well, I went finally to farming in about '75.

Q Where did you farm then? A I farmed right on the river this side of Fort Smith, the place I bought from Mrs. Sheppard.

Q What did you do for a living before 1875, say ten years before 1875? A Everywhere that I go since I was emancipated? Sometimes fishing, up and down the river, sometimes one thing and sometimes another, sometimes doctoring and sometimes preaching.

Q Sort of an unsettled live that ten years? A Yes, sir.

Q You led a roving, unsettled life until about ten years before 1875, when you settled down to farming? A Yes, sir.

Q Were you married during that ten years? A No, sir, when, well, when my wife died, I married my last wife, a Creek colored woman just after the war.

Q And how long did you and this woman live together? A We are living together.

Q You were married during that ten years before 1875; I ask you if you were married during that ten years before 1875? A I said not all the time for my wife died and part of the time I got another woman.

Q Was your wife who died your first wife? A No, sir.

Q When did your wife die that you are talking about now?

A She died about, I think she died about some 11 or 12 years before the war.

Q When did you marry after her death? A I married a Cherokee woman belonging to Jim Vain.

Q You spoke of having married a Creek woman? A That is my last wife; I am living with her now.

Q When did you marry her? A I don't know.

Q When did you marry that Cherokee woman you are talking about?

A I married her before the war.

Q Did you live with her until she died? A Yes, sir.

Q When did she die? A Two years after the war.

Q And then you married a Creek woman? A Yes, sir.

Q How long after the death of the Cherokee woman was it until you married the Creek woman? A About two years, as near as I can guess at it.

Q You were married for two years immediately after the war, because your Cherokee wife was still living? A No, sir, my first wife I married was a Choctaw.

Q How many times have you been married? A Three times, lawfully married.

Q Who was your first lawful wife? A Elizabeth Fulson, belonging to old Henry Fulson, Choctaw.

Q When did you marry her? A I don't know, sir, so far back I could not tell you.

Q Away before the war? A Yes, sir.  
Q About when did she die? A She died away before the war.  
Q She died some years before the war? A Yes, sir: I have got a son that about 50 years old by her.  
Q Then after her death you married a second time? A Yes, sir.  
Q Give me the name of your next wife? A Nancy Vann, Jim Vann's colored woman, Cherokee.  
Q Do you remember about when it was you married her? A Didn't live with her.  
Q But you married her before the war? A Yes, sir: I married her: the Choctaw wife died and then I married her.  
Q Did you live with Nancy Vann until she died? A Yes, sir.  
Q When did she die? A She died about, well right about, the war had been going on, in the time of the war.  
Q She died during the war? A Yes, I call it that.  
Q She died after the war began and before it closed? A She died after it went on a while.  
Q Before it quit? A Yes, sir.  
Q Well then, after the death of Nancy Vann you married a third time? A Yes, sir: married a Greek colored woman.  
Q Give me her name? A Mary Jane.  
Q Was that all of her name when you married her, just Mary Jane? A That was her given name.  
Q I want her full name, Mary Jane what? A Mary Jane Roach.  
Q Now you married her after the war closed? A Yes, sir.  
Q How long after the war closed? A I don't know exactly.  
Q Well, as near as you can get at it? A I must have married her sometime in, I don't know, must have been in '69 somewhere.  
Q You married her before you settled down to farming in 1875? A Yes, sir.  
Q Did you marry her as much as five years before that time? A I don't hardly think it was, I won't be certain, because I don't know.  
Q She is your wife now is she? A Yes, sir.  
Q Now can you tell me just in a plain way where you lived and what you did between the time your wife Nancy Vann died and the time you married Mary Jane Roach? A I could not, sir.  
Q Could not tell about that? A No, sir, I could not, for I was everywhere around.  
Q You don't know where you went and what you were doing? A Sometimes I was fishing, sometimes I was preaching and sometimes doctoring and sometimes cooking on a boat.  
Q Do you know in what country you were staying? A I do.  
Q Well, in what country were you? A Sometimes in the Cherokee Nation, sometimes going to Fort Smith, sometimes at Greenwood, sometimes Tahlequah and sometimes Fort Gibson, in the Creek Nation.  
Q And sometimes on a steam boat? A Yes, sir: I run here from three or four months on what is called the old Fort Gibson boat.  
Q Did you run on a boat between Little Rock and the Mississippi River? A Yes, sir.  
Q Did you ever boat down on the Mississippi river? A No, sir, go down to the mouth and come back.  
Q Mouth of the Arkansas? A Yes, sir.  
Q Well, now since 1875, where have you been living? A Living down here near Fort Smith, right in front out there, a little piece back from the river, about a mile.  
Q You have not been doing any work preaching and doctoring outside of the Cherokee Nation since 1875? A I have.  
Q Tell me something about that? A Well, sometimes in Fort Smith and sometimes in Van Buren and sometimes at Greenwood.  
Q You were following your profession around in those places? A Yes, sir.  
Q You were preaching about during this time? A Yes, sir.  
Q Have you a regular charge of a church? A I have.

Q Now, what churches have you had charge of? A I have one now; I had charge of a church at New Hope, I had charge of a church.

Q Where is that church? A Down on the Missouri and Pacific Railroad, about five miles from the river.

Q In the Cherokee Nation? A Yes, sir.

Q You have had other churches, have you? A Yes, sir, had charge of a church there at Niven's place, had charge of a church at Webbers Falls, had charge of a church at Fort Gibson and Tallageah, at Yellow Springs in the Choctaw Nation, and had one at Sealliville.

Q Did you have charge of any churches over in Arkansas? A No, sir.

Q Just here in the Territory? A I could not have them over there, my license are on Book B. at Muskogee, I am an Elder.

Q Whom did you belong to in the old times? A First to old Joe Vann and then to his son Jim, old Joe Vann was blown up on a steam boat on the upper Mississippi river.

Q Whom did you belong to at the time the war broke out? A Jim Vann.

Q He is dead is he? A He went off in time of the war to fight and I never seen him any more; I heard he was dead.

Q Are any of his people living? A If they are, I don't know anything about it.

Q No children you knew? A Jimmy died at the Seminary teaching school, no Lavore married his youngest girl, she is dead.

Q Now what people know you and what you were doing and where you were living between 1865 and 1870, who all can you name that knew you? A I worked for Sallie Franklin, worked right there on the line for McKibben and next a little before Christmas in 1876, made a crop for Payne.

Q Whom did you work for in 1865? A I worked for Mrs. Franklin.

Q That is the Mrs. Franklin whose name you have given before?

A Yes, sir.

Q Anybody else? A I worked for McKibben.

Q What is his full name? A I don't know his full name, that is it McKibben.

Q Where was he when you worked for him in 1865? A The line runs right along between the Arkansas and the Polson.

Q Were you working for him on the Arkansas side of the line or the Cherokee side? A Sometimes I worked for him on the Cherokee side and sometimes on the Arkansas side.

Q Did you work for McKibben there pretty much all through '65?

A No, sir, I worked two or three months; I worked for A. C. Jones.

Q Where did he live? A In the Cherokee Nation, and then I worked for his brother, Mat Jones.

Q Are there any other of these people living? A I don't know.

Q Who did you next work for, along in '66? A Well, I worked then through that, I worked before the war.

Q I never asked you about before the war; I asked you about '66, that was after the war, you said something about before the war?

A I worked for Dr. Bell in '66 and along after that I worked up on the hill, it is close to the road, that is where I going a good deal of my work about '66; I worked, I was working for the government, I was cutting hay some for several weeks for the soldiers about nine miles from Fort Smith, cooking for the wagonmaster.

Q Where at Fort Smith? A Yes, sir.

Q Tell me something more? A I could not tell you to save my life.

Q Do you mean you lived around so much? A It would be hard for you to locate me, for I can't locate myself, I just run around every where I could get anything to do.

Q Can't you say anything definite about yourself during the war?

A I can't tell every place, I may worked one place two or three months and go off somewhere else.

Q Where did you work in 1867, was it the same way? A Yes, in '67 I worked for a man named Hill Campbell.

Q Where did he live? A Down by Fort Smith, about a mile or two

side of the river.

Q Practicing medicine some all the time were you? A When I was not at work, sometimes I was prescribing.

Q Is that all you can say about '87, how long did you work for Campbell? A I worked down there sometimes two or three weeks and then go out.

Q Where would you go? A I went every which way; you know I could not state it.

Q Give me the name of your present wife; you say its Mary Jane Vann now? A Mary Jane Roach is her maiden name, Mary Jane Vann now.

Q How old is this wife, Mary? A I don't know.

Q Well, about how old is she? A To tell you the truth I don't know her age.

Q She is a good deal younger than you, isn't she? A Yes.

Q Is she as much as 50 years of age? A No, sir.

Q You married her young? A Yes, sir.

Q You think she is under 50? A Yes, I think she is about 45 at near as I can guess.

Q Where was she born? A Creek Nation, what's she tells me.

Q Has she lived with you ever since her marriage? A Yes, sir.

Q Her people then are Creeks? A That's what they claim to be, sir.

Q Give me the name of her father? A Bob Marshall, that's what she claims.

Q Is he dead? A Yes, I think he is.

Q Give me the name of your wife's mother? A I don't know. I have heard her call her Sarah.

Q Do you know whether she is alive or dead? A Dead; she was an orphan when I married her.

Q Well then, Roach was not her maiden name; her maiden name was Marshall? A They called her Roach, I don't know.

Q Well now give me the names of these four children of your own that are under 21 years of age? A One is named John.

Q How old is John? A Johnnie is about 16.

Q Now give me the name of the next child? A One is named Jimmie.

Q James? A Yes, sir.

Q How old is James? A I can't just exactly give his name? (14).

Q Now, give me the name of the next child? A The next child is named Harrison.

Q How old is Harrison? A He is in his 19th year.

Q He is older than John? A Yes, sir; Harrison is the first one by this woman.

Q Now give me the next one? A The next one I call her, it is a girl named Janie, named after her mother.

Q Named Jane? A Yes, sir.

Q How old is Jane? A Janie.

Q You want it put down that way? A Yes, sir.

Q How old is she? A She was eleven years old last August.

Q Now are these children all living? A Yes, sir.

Q You have been enrolled here by the Cherokee Nation at different times? A Never was enrolled except here once and I was enrolled in about '70, but it could not be found it was locked up.

Q Are these four children all by your wife Mary Jane? A No, sir; Mary one of them.

Q Who is the mother of John? A Johnnie, the mother of Johnnie was a Cherokee woman, Cherokee colored woman, the one I told you was named Nancy.

Q Nancy was the mother of John? A Yes, sir.

Q Who is the mother of James? A You mean the first old woman?

Q You have got a son named James? A Yes, sir.

Q I want to know who the mother of that child was? A Narcissa

Q You said she died before the war and now you tell me that child is 14 years old.

Q You say now that you have only three children that are living?

A That is all.

Q I find it very hard to get you to keep your children separated from your grand-children; how many children have you got altogether?

A I have got about twenty.

Q How many have you got that are under 21 years of age; three I believe you said the last time? A I was talking about my last wife.

Q Have you got any children by your wife, Mary Jane, who are under 21 years of age? A No, sir, none.

Q Now, you haven't got any by your other wives that are under age; they have been dead too long? A You called me back and said my grand-children.

Q How many children have you by that wife Mary Jane? A Aint got but three.

Q Now, give me the names of these three children? A The oldest one is named Harrison.

Q How old is Harrison? A I told you a while ago about 19.

Q Now, what is the next one to Harrison? A Johnnie.

Q How old is John? A About 14.

Q The next one? A Jante.

Q How old is she? A Eleven years old.

Q You have only three children by this woman, Mary Jane Roach, have you? A No, sir, I have had five, but they are the only living children.

Q The other children, and by this I mean your own children and not your grandchildren, they are all over 21 years old? A Yes, sir.

Q Now the mother of these children is Mary Jane? A Yes, sir.

Q And she was a Creek? A Yes, sir, that is what she comes from, that is what they say.

Q Have you applied to have your wife, Mary Jane, enrolled as a Creek? A Never did, I went over there about three weeks ago and went up to the office.

Q Never mind about that, just say you never applied? A I did apply, they told me any time I would come and bring witnesses.

Q You expect to have her enrolled as a Creek do you? A I do.

Q Then you don't want to apply to have her enrolled now as a Cherokee? A I didn't think I could.

Q Now, do you want these children enrolled as Cherokees? A Yes, sir.

Q You didn't make application to have her enrolled as a Creek when you went to Muskogee? A I went into the Commission and asked and they said to fetch her any time.

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

Q Now, give me the names of these six grand-children? A One is named, the youngest one Jim.

Q Can't you begin with the oldest one and give them to me in that order? A Yes, sir.

Q Give me them in that order? A Cornelia.

Q How old is Cornelia? A Cornelia's about twenty. Her mother is living right there joining me.

Q She is not one of the orphans you spoke of? A No, sir; well one of them is named Jim.

Q Can't you begin at the other end and give them to me straight? A One of them is John.

Q How old is John? A He must be about 15 or 16.

Q Now which one is next to John? A There is one named Richard.

Q How old is Richard? A He is next to him, I don't think there is none that is year or two.

Q Now the next one to Richard? A Tanny.

Q Tanny, how old is Tanny, about two years younger than Richard? He might be and he might not.

Q Well, we will put him down as 18 for the present; which is the name of the next one after Tanny? A The other is named after his mother, Harrison.

Q How old is Harrison, a little younger than Tanny? A Yes, sir.

Q We will put him down as being about ten if you cannot give me something better than that. Who is the next one to Harrison?



A. Did I give you Jim?  
 Q. No, sir; you have a handsome named Jesse, have you? A. Yes sir.  
 Q. How old is Jesse? A. He is about eleven.  
 Q. He is older than Harrison? A. No, sir.  
 Q. The way you are living it I would say Jesse is about eight or nine? A. I don't know.  
 Q. What is the next one that would be the last one? A. Peter.  
 Q. He is the youngest of the six? A. Yes, sir.  
 Q. About how old is Peter? A. I think Peter is about six years old.  
 Q. These children are all living now are they? A. Yes, sir.  
 Q. Were these children all born in the Cherokee Nation? A. I don't think they were.  
 Q. Give me the name of the mother of these children? A. Lucy.  
 Q. Your daughter Lucy? A. Yes, sir, Lucy Vann.  
 Q. These children all have the name of Vann? A. Some of them children, I don't know who was the daddy.  
 Q. You know what name you give them, you call them all Vann, do you? A. They was not legally married.  
 Q. They take the mother's name? A. Yes, sir.  
 Q. Your daughter lived and died as Lucy Vann did she, was that right? she was not legally married? A. No, sir.  
 Q. Did she ever marry at all? A. Yes, she married a colored man never brass.  
 Q. How did this daughter Lucy die? A. She has been dead about four or five years, maybe more.  
 Q. Something like five years as near as you can get at it? A. I cannot say because I don't know; she was sent a good while before I knowed, about six months.  
 Q. Where did she die? A. Down below V. S. Bureau, went down there with a man, I never knowed of them being married.  
 Q. Where was Lucy Vann born? A. Born in the Cherokee Nation.  
 Q. Where in the Cherokee Nation? A. Webber's Falls.  
 Q. About how old was she when she died? A. I don't know her age.  
 Q. How old would she be if she were living now? A. I don't know her age, when she was sent to be was all murdered and she was young.  
 Q. Was she living when she was sent to? A. Yes, sir, she was very small.  
 Q. Well and would be a little over 40 years of age now? A. I don't know.  
 Q. Where did she live when she was buried? A. Well, she was sometimes about Fort Smith, sometimes she was at Webber's Falls and some time down here where I, down down there about where I lived.  
 Q. Just about at different places? A. Yes, sir; been to where I lived with my last wife and sometimes over in Fort Smith cooking.  
 Q. Where was John born? A. Cherokee Nation.  
 Q. Where was James born? A. They was all born in the Cherokee Nation but one.  
 Q. Which one was that? A. I think that was the youngest one, I think it was born in the States, I believe in facts two of them was born in the States.  
 Q. Which one? A. I don't know; it was about thirty miles from me, but it looks to be like two of them was born in the States.  
 Q. How long was this daughter, Lucy, between the time of 1865 and 1870, when you began farming? A. So often she was at home and sometimes she went out to the mill for me, brook, cooked for her, I don't tell you where she was.  
 The 1865 without any help of citizens of the Cherokee Nation examined for the grant of nullification of the Cherokee.  
 Q. Your wife is not on that list? A. No, sir, but I am on the list.

Vann, Sequoyah District.

Q Did you draw for your wife did you? A No, sir, she aint on any rolls, there aint none of y wives on the Cherokee Roll.

Q Did you draw Cherokee Strip money for these three young children, John, Harrison and Janie? A No, sir; Jane she was too young on the Wallace roll and their names was knocked out on the Banna roll.

The Kern-Clifton Roll of citizens of the Cherokee Nation existed and the names of applicant's children or grandchildren not found thereon.

Q Did you draw strip money for these grandchildren? A They aint any of them on the Kern-Clifton roll, they were left off.

Examination continued by John F. Gould, Attorney for Applicant:

Q I didn't understand what you said your age was, Mr. Vann?

A About 87, as near as I can guess.

Q You say your age now is 77 or 87? A I didn't say 77, I say about 87.

Q You say you were owned at the time the war by Jim Vann? A Yes sir.

Q Was he a Cherokee Indian? A He was himself.

Q And lived in the Cherokee country? A He did.

Q Did you reside in the Cherokee Nation when the war broke out in '61? A I did.

Cross-examination by W. F. Hastings, Cherokee Representative:

Q Where did you live in the Cherokee Nation at the opening of the war? A I lived with old Ben Johnson near Fort Smith.

Q That is at the beginning of the war? A Right there.

Q You lived with Ben Johnson there? A Yes, sir.

Q Where did Jim Vann live? A Jim Vann stayed here about Fort Gibson and Tallisquah; I was hired to Ben Johnson for \$800 by Jim Vann and put there to work about six years before the war.

Q Well then, you left Jim Vann somewhere about 1865? A Jim Vann come down there and tried to get me and Ben Johnson and his had a great fuss and Ben Johnson would not let me go.

Q You left Jim Vann's place about six years before the war?

A I was not there to work.

Q I will ask you what Jim Vann's wife's name was? A His last wife was name Mantic.

Q What was her father's name? A I don't know.

Q You don't know what her maiden name was? A I don't know exactly because Jim Vann had two or three wives to tell you the truth about it.

Q You don't know then, who Mrs. Vann's father was? (No response)

Q You belonged to Jim Vann's father before that? A Old Joe Vann, yes, sir.

Q Joe Vann was blown up on a steambot? A Yes, sir, on the Mississippi between St. Louis and coming down the upper Mississippi, between that and the Mississippi river.

Q You was not along with him? A No, but I was keeping race horses for him.

Q About what was that? A Before the war, I don't know how long.

Q Do you know what that steambot was named? A I do.

Q What was its name? A Lucy Walker.

Q What kind of a horse did Jim Vann live in here at Fort Gibson, what you belonged to him? A To tell you the truth I can't recollect.

Q It was not any log horse but I don't recollect what kind it was.

Q You don't remember what kind of a horse? A I recollect the last time I had anything to do with his, him and Wash down here west.

Q I think he was living at Fort Hill when he killed me out.

Q I want to know some early something about Jim Vann's horse.

Q Where he lived so long at Robbers Falls, but up here I was not.

Q Where when you were blown out about six years before the war he was down here.

Q I think he was living at Fort Hill when he killed me out.

Q I don't know what that was about.

Q Were they living together when you left up there, Park Hill? A I don't know.

Q What sort of a house did they occupy at Park Hill? A I don't know, I don't recollect.

Q You don't remember the house? A I don't know, half of the time he would be absent and get money from me and go where he pleased.

Q And you would get the money and go back and pay him? A If I found him in Gibson.

Q You would let the money and pay him? A Sometimes I would send it to him by mail.

Q You could write at that time? A Yes, sir.

Q But you don't know anything about the looks of the premises about your old home; did they have a spring? A Yes.

Q Had a spring did they? A Yes, sir, sorter under the gill.

Q But you don't know what sort of a house they were living in?

A No, sir.

Q Don't know what kind of a barn? A No, sir.

Q How many children did Jim Van have? A I don't know, sir.

Q Did he have any children at all at the time you left him?

A If he did he didn't have them with him.

Q Didn't have them then? A No, sir.

Q Did Jim Van have any brothers? A He did.

Q What were their names? A One was named Johnnie, he taught school at the Seminary over at Tallequah, he died there, that is what I understood.

Q You never saw him there? A Yes.

Q And you know that the one you saw before the war? A Yes, sir.

Q He was not a full brother of Jim Van? A I don't know because my old mother had two wives and I don't know.

Q At least a half brother? A That's my understanding.

Q Did he have a sister? A Yes, sir.

Q What was her name? A Sallie.

Q Who did she marry? A Sallie married Israel Layore.

Q And you know him? A Yes, sir.

Q Did he have any other sister? A I don't know, that is the youngest one.

Q I will ask you, Mr. Van, if you didn't apply to the Dames Commission in '88 for citizenship, five years ago? A Why no.

Q Filed your case on September 6th, 1886, and was not J. P. Mallen your Attorney? A Yes, sir.

Q He was? A Yes, sir.

Q And you filed that suit? A No, wasn't I didn't because I got my money on the Wallace roll and on the Kern-Clifton roll.

Q You did not apply to the Dames Commission? A Oh, but it was for some of the children because I got my money on both rolls, Wallace roll and the Kern-Clifton roll.

Q You already had your money at the time the application was filed for your children? A Yes, sir. I think so, I got my money at Hayden.

Q This application was made for these children that were living here? A I had got my money sure.

Q Do you remember that that Hayden payment took place in February of '87? A I don't remember, I got my money.

Q But you didn't get my money before September 7th, 1886? A I got some of my money.

Q Did you get any money before September 7th, 1886, the Freedmen roll was not made up? A I got it on the Wallace roll.

Q You deny then that you applied to the Dames Commission there and J. P. Mallen as your Attorney in 1886? A I deny for me myself.

Q Did you apply for citizenship in the Freedmen Nation? A I think that when I was captured at some time like, right here, I know I did, and before Mr. Wallace I believe it was with Mr. McKeon and Mr. Tally, and I had my money paid, and the churches could not do it, and I had my money on the Wallace roll and on the Kern-Clifton roll.

Q And you were not a member of the Freedmen Nation?

A I will answer you as you want, but I don't know.

many of a time when old Joe Yarn was running his boat.

Q Were you ever known by the name of George W. McKamy? A Yes, sir; that's my father, George W. McKamy, a full blooded African negro, that is him; my father he come with my mother here, Charlotte Brown, half Cherokee and half colored my mother.

By Commissioner Brackett:

Q Your mother's mother was she Cherokee? A She was a negro belonging to old Ben Brown, so I was told.

By W. V. Hastings:

Q Now, you denied five years ago before the Kern-Clifton Commission that you ever went by the name of George W. McKamy? A No, sir, because my license is that here on Book B in Muskegoe, that is my father's name.

Q When were your preaching licenses put on that book? A They were on that book when the law come in this country.

Q Tell about how long ago? A About '75.

Q Then you admit five years ago that your name was George W. McKamy?

A Yes sir, that is what it has been all the time my father was a freed man.

Q Were you ever in Chattanooga, Tennessee? A Yes, sir, in my life I have been.

Q Have you been there since the war? A Yes, dozen of times, I run up and down there and dozens of times, I have up to my uncle's in Knoxville, Tennessee.

Q How long did you ever live in Chattanooga? A Never lived in it at all.

Q And you have been there a dozen times? A Yes sir.

Q When were you there the last time? A I don't know, sir.

Q What were you doing running up and down there? A I have some uncles living on Missionary Ridge, and I have got some lives across from that on the Ridge that lives in Nashville.

Q How did you keep up with them whereabouts? A I just keep up with the line you do with your kin folks.

Q You have resided in Argenta, across from Little Rock? A I went to the Brooks and Barker war, Powell Clayton come up and got about fifty negroes and went to New Argenta, George Rustles, after we come, after all of us was made voters by the President on both sides.

Q How long did you remain down there? A About six months and was respectable of Argenta on that side.

Q I asked you the question before the Kern-Clifton Commission if you went down there and you denied it? A No, sir.

Q You were there? A Yes, sir, I went away from here and went there.

Q I asked you also if you were not constable over there at Argenta and in 1866 before the Kern-Clifton Commission you denied that?

A I did not.

Q You were, were you? A Yes, sir.

Q Where was your wife at that time? A At the little old house below the ferry land some, part of the time she come down there where her mother was right there at Argenta.

Q Was her mother there at Argenta? A She was some of the time. This with that I have got was part of the time there in the Creek Nation and part of the time she was not.

Q Now Uncle George, when were you married the first time?

A I don't know.

Q About how long before the war? A Oh, long time.

Q About how many years before the war? A I don't know.

Q Give me some sort of estimate? A I want give you something I don't know.

Q About how old were you when you married the first time? A I can't tell you.

Q Did you have any children by the first wife? A I did.

Q What was that child's name? A That was the eldest one, named Joe Yarn.

Q And what was the name of your second wife? A No, I don't know.

Q About how old would Jim Vann be if he were living? A I don't know, sir.

Q Then you haven't the slightest idea when it was your first marriage? A I don't.

Q How long did you live with your first wife? A I don't know, a long time.

Q About how many years? A I don't know.

Q There was this woman, this first wife of yours, where did she stay, with you? A No, sir, she didn't, she staid with old Henry Fulson at Hooksville.

Q How far is that? A That is in the Choctaw Nation.

Q How far from Red River? A It is on this side.

Q About how far? A I don't know.

Q Is it in the southern part of the Choctaw Nation? A Yes, sir.

Q Near the line? A I don't know where the line is.

Q You were a slave of Jim Vann up here in the Cherokee Nation yet you had a wife that you had married at Hooksville? A I married her, she was hired to Clem Havore and I went to Fort Smith to see her and married her.

Q That is where you first met her? A I married her in Fort Smith.

Q How when did you marry the second time? A I married down here at Webbers Falls.

Q How long before the war was that? A I don't know.

Q About how long? A Oh, I don't know.

Q A long time before the war? A Good bit.

Q You can't give any estimate at all? A Can't tell you what time don't know and aint going to try.

Q I would like to get some estimate about as to when you married the last time? A I married after the war.

Q About how long after the war had closed? A I don't know, old Peter Stiches married me.

Q As much as thirty years ago? A I don't know, I married her after the war, I don't know whether thirty years is after the war or not.

Q About how many years after the war? A I aint got no recollection and can't tell you.

Q Now, Uncle George you applied for citizenship down in the Choctaw Nation, didn't you? A I did not; my children did; they said I was a Cherokee.

Q You admit now you applied for your children? A I went there and they went there and they told me to take counsel that you are a Cherokee and you can't do it.

Q You married that five years ago? A Yes, sir.

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 30th day of April, 1901.

Signed, F. B. Needles,  
Commissioner.

April 30, 1901.

George F. Vann, et al., Deceased continued:

Questions by Mr. Hastings:

Q Uncle George, you applied to General Wicks and Mr. Keyser when they were sitting here on the Old Settlers Commission, didn't you, to be enrolled? A I said my mother came in as an old settler and she was, she came here as an old settler.

Q Your mother did? A Yes, sir, she was brought here; my mother was part Indian and I thought if it was half negro and half Indian.

I would get it and I applied and they wouldn't do it.

Q How many times had you married before? A I don't know.

Q Didn't deny five years ago that you ever applied to be enrolled as an old settler? A No sir, you said I had applied to Mr. Tams Dixby and I said then I hadn't because they hadn't put me in, but not as an old settler on that.

Q How you admit now that you applied to be enrolled as an old settler, a Cherokee? A I don't know whether it was, I seen Mr. Reyes, I don't know whether the right was in it or not, me and Harper Houston, because I was half negro and half Indian and they said that I could and they said no and that stopped e.

Q Did you come here with your mother; you testified you came here in 1836? A Yes, sir, I come with my mother in 1836, and she come to settle and she come here once, old Ross, and the old chief John, and one of the bushyheads, and me and my mother all come here, and come here in a two horse vehicle before any of the Indians located in this part, and came here and looked, old Chief Ross they did, so come here, and after he came here he went to Washington, and come back and went to Washington and his wife died and he married another woman, his wife which one he had when he come to the nation, and he married some woman at Washington city, and then came back here and went back to Washington and died, he married out of the nation that was the chief we come with at the beginning.

Q You came with them? A Yes, sir, I come before the Indians come; they come to look at the land.

Q You came with Chief Ross? A Yes, sir.

Q It was before any Indians came out here? A Yes, sir, there was none had come here; they came to look at this country.

Q Where did John Ross' wife die? A Which one?

Q That one you were talking about? A Died somewhere about Tahlequah somewhere, and he went to Washington and married again there and he came home and went back to Washington and he died.

Q How long after you came out before he died? A He was here a good while before he ever died.

Q Five or six years? A Yes he was; you may laugh but you will find out, you know it, and his remains, when I first seen him I was here and they took him there and fetched him in from Washington City, by Van Buren.

Q Did they take him to Van Buren on that Frisco train? A No, sir, I don't know how they got him there; I was there and saw him put on the boat; I am talking about what I know, you know now, ask some of these gentlemen whether he had a wife that died here, and went to Washington and married again.

Q Who else came along with you when you came out here? A I come with my master, with Joe Vann.

Q Joe Vann? A Old Joe Vann, with all the women and little children.

Q What children? A Negro children.

Q What about his children? A Joe Vann's children never came, a whole brigade came in here and met us here, and we came around on the steamboat, and little children, little negro children, came and got off in Fort Smith at this nation side, and I was waiting on him, and a brigade came here the other way and landed; you may whisper but is is facts; you can't deny it either, the records show it.

Mr. Faulds: You said you were born in Tennessee? A Yes, sir, I was born in Ross County right under Missionary Ridge.

Q You came here to remain here in 1836, sometime about then?

A I was here twice, I came with my mother first in 1835, then there was three removals, 1835, 36 and 37; just exactly this way.

Q You remained here when? A In 1836.

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 19th of April, 1901.  
Signed, T. B. Needles,  
Commissioner.

April 19th, 1901.

George W. Vann et al., hearing continued:

WARREN GILPATRICK, called as a witness for a plaintiffs,  
being sworn and examined by Commissioner C. R. Breckinridge, tes-  
tified as follows:

- Q Give your full name there? A Warren Gilpatrick.  
Q How old are you? A 50 years old.  
Q What is your postoffice? A Ballisaw.  
Q In what district do you live? A Sequeyah.  
Q How long have you lived in the Cherokee Nation? A Lived here  
all my life, off and on.  
Q Were you born in the Cherokee Nation? A I was born in the old  
Nation, come from the old country.  
Q In what State? A Tennessee and South Carolina.  
Q When did you come to the Cherokee Nation? A When I was a boy.  
Q Sometime before the war? A Yes, sir.  
Q You were a slave before the war? A Yes sir, I reckon so, my  
people say.  
Q You remember very well back at that time you were 14 or 15 years  
old? A My mother always said we belonged to a man by the name of  
Bill Padgett.  
Q Do you remember far enough back to know to whom you belonged?  
A No, sir.  
Q Your mother said you belonged to Bill Padgett? A Yes, sir.  
Q And you suppose that you belonged to the same man? A Yes, sir.  
Q Where were you during the war? A I was in the Cherokee here  
part of the time.  
Q Tell me now just where you were, you were old enough to remember?  
A I was here, right here in Fort Smith, right here in the bottom,  
are at Fort Smith during the whole of the war.  
Q Tell me where you were during the whole of the war? A I was  
in the war part of the time.  
Q Do you mean in the army? A Yes, sir.  
Q That was at the last of the war? A Yes, sir.  
Q What were you doing in the army? A Just running around waiting  
on people.  
Q Where were you when the war closed? A I was here.  
Q Do you mean in Fort Gibson? A No, sir.  
Q Well, tell me where you were? A Down here in the bottom at the  
old Johnson place.  
Q You were not in the army then? A No, sir.  
Q That is where you were at the time the war closed? A Yes, sir.  
Q Who owned that place, that Johnson place? A Ben Johnson is all  
I know.  
Q The old Ben Johnson place? A Yes, sir.  
Q Well, now give me some account of yourself from the close of the  
war down to this time: how long did you stay there on the old Ben  
Johnson place? A I stayed there off and on: I stayed there all the  
time.  
Q Are you there now? A No, sir.  
Q In what year did you go to the old Ben Johnson place? A I came  
there in '88.  
Q Where did you go from? A I come from the army then.  
Q Well, where? A Richmond, Virginia.  
Q You were in the Army at Richmond, Virginia? A Yes, sir.  
Q And you came to the old Ben Johnson place from Virginia in '88?  
A Yes, sir, right here in '88.

Q What were you doing in the army in Virginia? A Just running around following it up, had nothing else to do, just following the soldiers up.

Q How did you go to Virginia? A I come back with the crowd.

Q How did you go there, I said? A I went with the soldiers.

Q With what soldiers? A The Federals.

Q Where did you take up with them? A I taken up with them at Memphis.

Q How did you go to Memphis? A I went with the people passing.

Q Where did you first take up with the troops? A Up here in Arkansas, on White River.

Q What were you doing up there? A Just floundering about as a boy would, I had no one but myself.

Q When was that you took up with the troops there in Arkansas?

A I could not say.

Q You are supposed to know something about yourself, you are supposed to know something or you would not be here; was that your first taking up with the troops? A Yes, sir.

Q And you followed them to Memphis? A Yes, sir.

Q And from Memphis to Virginia? A Yes, sir.

Q And from Virginia you come back here in '66? A Yes, sir.

Q Where had you lived here before you went off with the troops?

A Down at the old Ben Johnson place.

Q You lived there when you first came? A Yes, sir, that is where my people left me there.

Q When you first came to the Cherokee Nation where did you locate?

A Right there on the river this side of Fort Smith.

Q Your mother belonged to Bill Padgett? A Yes, his daughter I reckon she belonged to him.

Q Did you live with your mother before the war broke out on the old Ben Johnson place? A No, sir, my mother died.

Q Well, where did you live before the war broke out, when you came to the Cherokee Nation? A I lived down there on the bottom on the old Ben Johnson place.

Q That is where you lived and where you were? A Yes, sir.

Q Do you remember your mother? A No, sir, not good; I remember her name.

Q That is about all you remember? A Yes, sir.

Q Well, she owned you and controlled you and directed your movements about the time you were about ten or twelve years of age; there was some authority in the country in that day, who had charge of you? A I forget the man's name now; he is dead, and I forget his name; his name was Sam, though.

Q White man? A No, sir, colored man.

Q Well what white man owned you and directed your movements before you went to the army? A None at all.

Q You say you were a slave? A I said by my mother, I recollect I was a slave.

Q But you have no recollection of being under the control of a white man? A No, sir.

Q And you were living in the old Ben Johnson place? A Yes, sir.

Q Is that the first you can remember of yourself when you were living on the old Ben Johnson place? A Yes, sir, before the war.

Q And you remember that place very well, do you? A Yes, sir.

Q How old were you when you first went there? A I could not tell you, I am just going by now what the old people said my age was.

Q I am talking about now what you remember; you remember the Ben Johnson place there before the war? A Yes, sir.

Q They raise cotton and corn there? A We never made any cotton, made corn.

Q Do you remember living there some years before you went off to the army with the people? A Yes, sir, lived there two or three years.

Q That is the first you have any recollection of in the Territory?

A Yes, sir.

Q Is the old Ben Johnson place? A Yes, sir; where they were raised, lots of them was raised there.

Q And you went off to the army about that time, did you not, waiting on



people doing for the soldiers and such as that? A Yes, sir, cooking for the soldiers.

Q That was pretty soon after the war broke out was it? A Yes, sir, about the second year.

Q Give me the name of your father? A Benton Gilpatrick.

Q Is he dead? A Yes, sir.

Q Do you remember him? A Yes, sir, remember seen him.

Q He died when you were very little? A Yes, sir, small boy.

Q Have you any brothers? A No, sir.

Q Any sisters? A No, sir.

Q Have you any kin folks? A No, sir, no one but myself.

Q How did you happen to come back here then, in 1866, from Virginia? A That is where I lived, where I left my people.

Q Who were your people if you have no sisters, brothers or aunts?

A I left my mother.

Q Your mother was dead? A Not at that time.

Q You said she was? A Did I say she was dead at that time.

Q You said she died in your early recollection? A The people I was acquainted with lived there; that is the only place I come, there is where I went from and there is where I come.

Q That is what brought you here in '66? A Yes, sir.

Q What fixes it on your mind about it being in '66 you came back from Virginia? A That is the year.

Q You were in Richmond? A Yes, sir.

Q Do you remember when General Lee surrendered? A Yes, sir.

Q They had a big jollification there in Richmond? A Yes, sir,

I was right there.

Q Then the fighting was all over? A Yes, sir.

Q Did you then come right on? A I returned here.

Q How long did it take you to come here? A Took us about, the way we trav led it taken us about two weeks, three weeks.

Q To come from Richmond here? A Yes, sir.

Q You left immediately after the jollification of General Lee's surrender? A Yes, sir, right on here.

Q He surrendered in the early spring? A Yes, sir.

Q And you got here before summer? A Yes, sir, I got here in the latter part of the summer.

Q You said you got here in about three weeks after he surrendered along early in April, you must have gotten here according to that before summer? A It may have been.

Q It took you about three weeks? A Yes, sir.

Q What way did you come? A Horseback.

Q Rode straight through in three weeks? A I said in about three weeks, I could not exactly remember.

Q All the way here horseback? A Yes, sir.

Q Who all were with you? A Oh, well, I could not tell; there was twenty or thirty all in a gang coming together.

Q You spoke of being in the army? A Yes, sir.

Q You were in Richmond when General Lee fell? A I was with the Union army part of the time and I was with the Yankee army.

Q The Union Army had charge of Richmond when General Lee surrendered? A Yes, sir.

Q And you were with the Union army when General Lee surrendered?

A Yes, sir.

Q And who were these people you came back with after the war closed?

A I could not tell you so many different people.

Q Mostly colored people? A No, sir, white people and colored.

Q Well, now what way did you come when you came back you remember some of the circumstances of the trip from Richmond here? A I don't know whether I do or not, it has been so long.

Q Did you go through any cities you remember? A I came through Memphis, Tennessee, I remember that.

Q That is about all you can remember is it? A Yes, sir, I know when we got to Memphis, there was not any cities through the country

but Memphis much.

Q Well, now what do you know about George V. Vann? A I know that I staid with him.

Q Where? A Down here on the river in the bottom.

Q On what place? A Ben Johnson place.

Q When was it you stayed with him? A '66 when I come back.

Q Did you find him there when you came back in 1866? A Yes, sir.

Q How long did you stay with him? A I stayed with him about eight or nine months, about twelve months.

Q And then what did you do? A In 1866 I taken a trip to hunt up some of my people.

Q What kin were they to you? A Some uncles I heard of.

Q You told me just now you didn't have any uncles? A I told you I didn't have none here.

Q Where did you have any? A In the old country, I got on track of them, I heard of them and I went out to hunt them.

Q How many uncles did you have as far as you know and give me their names? A I had three.

Q Give me their names? A One was named Isaac Danover.

Q Did he ever live in the Cherokee Nation? A Not as I know of.

Q Where did he live? A I don't know where he lived.

Q When you got on the track of him where did he live? A In the old country.

Q In what state was that? A South Carolina.

Q And you went back to South Carolina? A Yes, sir, went back there to hunt up my people.

Examination continued by John P. Paulds, Attorney for Applicants:

Q Do you remember of seeing George Vann before the war broke out in 1861? A Yes, sir, I seen him there on the river.

Q In the Cherokee Nation? A Yes, sir.

Q You were here when the war began? A Yes, sir.

Q Do you know whether he was here at that time? A He was there on the river.

Q When the war began? A Yes, sir.

Q And you stated that you were away sometime during the war, did you see him at all during the war, that you remember? A No, sir, I didn't see him from the war up to '68.

Q Where have you lived since 1868? A I have lived, I lived part of the time here in the Creek and part of the time in Fort Smith there, worked principally on public work.

Q You have lived pretty much of the time in the Cherokee Nation?

A Yes, sir, made this my home.

Q Have you since 1868; has George Vann been away from the Cherokee Nation for any length of time? A Not as I know of, I stayed right there around there and knowed him, he has not been anywhere as I know of.

Q You have seen him off and on? A Yes, sir.

By Commissioner Breckinridge:

Q You say after you came back to the Territory in '68, that you went to the Ben Johnson place? A Yes, sir.

Q You stayed there a little while and then went to South Carolina to look up some kin folks? A Yes, sir.

Q How long did you stay back there in South Carolina? A About three months, three or four months.

Q You finished that visit and then did you come back to the Cherokee Nation? A Yes, sir.

Q Where did you settle then? A Right here by Fort Smith, in the bottom right there by old man Vann.

Q What was old man Vann's given name? A George, all I know.

Q Did you settle on George Vann's place? A Yes, sir; I stayed there with him.

Q Is that where you cropped? A No, sir, I never cropped there.

Q What did you do? A I worked around by day.

Q Did you see George Vann at that time? A Yes, sir.

Q Is that man with a plow you are talking about? A Yes, sir.

Q How long did you live with him and around about him there?  
A I lived around about him there three or four years, I mostly stayed with him; I would go around and work and come back there and stay with him.

Q Have you known him ever since that time? A Yes, sir, ever since that time.

Q Have you been settled in the Cherokee Nation ever since your return from South Carolina? A Yes, sir.

Q And have known George Vann, this applicant, all the time?  
A All the time.

Q Has he been settled in the Cherokee Nation all the time?  
A Every time I seen him he was here.

Q Have you been seeing him all the time? A Yes, sir.  
Q Have you been living there with him and about him after you came back from South Carolina; how long did you live with him or close to him? A Oh, I lived close to him for three or four years.

Q And then how far did you live from him? A Lived about five miles.  
Q And how long did you live that far from him? A I could not tell exactly.

Q Well, five or six years, six or seven years? A Five or six years.  
Q You were living there all the time and he lived at the other place all the time and he was staying all the time continuously at home, was he, at the other place? A All the time I saw him.

Q Did you see him frequently? A He was a preacher and I have heard him preach in the settlement.

Q He was abiding there so you heard him preach around in the neighborhood around there and he was settled there in that way with no interruption, but what you would call neighborhood preaching? A No, sir.

By Mr. John F. Paulds:  
Q Did you know who owned George Vann at the time of the war?

A I always heard him say Jim Vann was his boss, I have heard him talking about Jim Vann.

By W. W. Hastings, Attorney for Cherokee Nation:

Q When did you hear him say that Jim Vann owned him? A I heard him say it all along.

Q Before the war? A Yes, sir.

Q Why is it you remember who owned him when you don't know who owned yourself? A I don't know that I had any owned. If I did I don't know anybody.

Q You were too young to know that? A At least nobody ever told me that I had any, at least my father, my father was a Cheater.

Q I believe you state that when you came back in 1866 you came back to George Vann's place, did you? A No, sir.

Q Well, to where George Vann lived? A Where he stayed.

Q And remained there with him then how long? A Two years or more.

Q Then you went in search of some of your people in South Carolina?  
A Yes, sir.

Q Now, if I get your statement correct you remained in South Carolina in search of your people about a year? A No, sir.

Q How long? A I staid there three or four months.

Q Then you came back from South Carolina to the Cherokee Nation and to this same place you had left there? A Yes, sir.

Q And then found the applicant, George V. Vann, there, when you returned that time? A Yes, sir.

Q With whom was George Vann living when you knew him first in 1868? A I could not tell that, he was working there and said his boss was Jim Vann.

Q That is after the war when was he living with what you know him in 1868? A I supposed he was living with his people, his boss, Jim Vann.

Q That was after you came back from Richmond? A Yes, sir.

Q Who else was there at that time? A There was lots of that people there.

Q Jim Vann's family there? A Well, now, I never did see any of them or I never had any business with the Indians and the

white people and that kind.

Q But you remember distinctly of seeing George Vann there? A I remember seeing who they called his boss and they called him Jim Vann.

Q What kind of a looking man was he? A Just like any other man, being so long I can't tell what kind of a man he was, I know he was an Indian.

Q You don't know whether he was dark or light complexion? A He was about the color of all other Indians.

Q Do you know whether he was tall or small? A I don't know.

Q You remember of seeing him there in '86 in the country? A I remember them calling him Jim Vann.

Q This man, George V., was living with Jim Vann, was he at that time? A I suppose that was his place.

Q That was on the river this side of Fort Smith? A Yes, sir.

Q Did George Vann at that time have a family? A Yes, sir.

Q Of what did his family consist? Did he have a wife? A I reckon so; he lived with a woman.

Q What was her name? A I could not tell her name now.

Q You lived with them a year and was only gone three months then returned to the same neighborhood? A She has been dead so long I can't think of her name now.

Q But he had a wife at that time living with him? A Yes, sir.

Q You don't remember her first name? A No, sir, I could not tell.

Q How long after that was it before she died? A I could not tell you that.

Q Some little time after '86? A Yes, it was after '86, but I could not tell the exact time.

Q Did he have any children there with him in '86? A No, sir, none at that time, I don't know.

Q Didn't have any children? A Yes, he had a daughter I think by the name of Mary Ann.

Q About what size was she? A Oh, she was small.

Q That kind of a house was there of the Johnson place there George Vann stayed in '86? A Log house.

Q One room? A I forget how it was built; I remember it was an old log house, where he lived it was one room.

Q I mean where the white family stayed? A It was a large double log.

Q How far was that from the bridge that crosses the river to go over in Arkansas? A I could not tell you, though it isn't very far from where the bridge crosses the river now.

Q Did you know any of the Vann family before the war? A No, sir, none but the old man, Jim Vann.

Q You don't know who his wife was? A No, sir.

Q You didn't know any of the family, children? A No, sir.

Q Now, you applied to the Keen-Clifton Commission, five years ago?

A Yes, sir.

Q Was not Uncle George Vann at that time a witness for you? A Yes, sir.

Q Were you present when he testified in your case? A I reckon I was.

Q He testified that he never saw you up until the year '86, didn't he? A No, sir, he could not do that.

Q Didn't he do that? A Not of my memory.

Q Do you remember? A I remember that he didn't testify that.

Q That he never saw you up until 1870? A No, sir, he could not say that.

Q Didn't you testify at that time that your people lived in Georgia?

A No, sir, no, sir.

Q Didn't you testify that you came here in '86 and stayed until 1888 and then went to Georgia? A No, sir.

Q Didn't you testify before the Commission in 1886 that you had only returned here about three years prior to that time from your trip to Georgia? A Don't remember that.

Q Isn't that a fact? A Don't remember that part of it. I never went to no Georgia, I don't remember telling you anything about no

Georgia.

Q What about your coming back to this country about three years before that Kerns-Clifton Commission sit; how long had you been here then, in the Cherokee Nation? A I had been here all the time excepting where I tell you I worked over in Fort Smith.

Q Now in '66 what sort of a house did the applicant, George Vann, live in? A I could not tell any more what kind of a house that was; it was a log house.

Q You lived with him? A Yes, sir.

Q It is the same place he is living now? A No, sir, he moved from there.

Q When you came back from South Carolina was he at the same place, he is living now? A Yes, sir, that is right.

Q He is living right there now? A He is living up this side of the switch now.

Q That is where he was living when you came back from South Carolina

A I aint certain, I most forget.

Q You lived with him, didn't you? A Let me study.

By Commissioner Breckinridge:

Q Is he living now on the old Ben Johnson place? A No, sir.

Q Where is he living now? A He is living up at the place they call Dora, this side of the Cherokee strip.

Q How far is that from Fort Smith? A About seven miles I reckon.

By W. W. Hastings:

Q Now, how long has he been living there at the place he is living now? A I could not say.

Q Where was he living when you came back from South Carolina?

A There has been so much change about I have about forgot.

Q You lived with him? A I didn't live with him all the time.

Q A short time though? A I just could not tell and can't.

Q You knew where to find him? A I would find him there in the settlement.

Q He lived there in the settlement there ever since '66? A Yes, sir, that is where I always found him.

Q You know that? A Yes, sir.

Q Never been out? A I suppose he has been out like every other person.

HORACE S. NORMAN, called as a witness for Applicants and being sworn and examined by Commissioner O. R. Breckinridge, testified as follows:

Q Give your full name there? A Horace S. Norman.

Q How old are you? A I don't know exactly, I guess I mustbe about 45 I guess.

Q What is your postoffice? A Fort Gibson now.

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

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Were you a slave in the old times? A Yes, sir.

Q To whom did you belong? A Judge Brown.

A Give me his full name? A I don't know anything but Judge Brown, Jim Brown; that is what they called him, Judge Brown.

Q Was his given name Jim? A I don't know that; that is what my mother always called him.

Q Where did he live? A He lived up on big Lee's Creek part of the time.

Q Where did he live when you belonged to him? A My mother was hired out.

Q Well in the old times did he live on Lee's Creek? A Yes, sir.

Q Is there where you lived during your childhood? A No, sir; I lived with mother, stayed with her, he hired her about to seek whatever he could get money for her.

Q Where were you during the war between the North and the South?

A I was with her here in the Cherokee Nation.

Q Were you with her in the Cherokee Nation during the whole of the time of the war? A Yes, sir.

Q From the beginning to the close of the war? A Why, she cooked in Fort Smith a little while, I suppose it must have been two or three months.

Q Otherwise you were with her in the Cherokee Nation? A All the time.

Q When was it she cooked in Fort Smith, do you know? A I could not tell what year it was.

Q Is your mother dead? A Oh, she is dead, yes, sir.

Q How long has she been dead? A She has been dead about ten or twelve years.

Q Give me your mother's name? A My mother was named Lucy Brown, called her Sarah sometimes, Lucy was her given name.

Q Where did your mother live at the time of her death? A She lived down in Sequoyah district.

Q What part of Sequoyah? A Up above Fort Smith, about six or seven miles.

Q Near what is called the Cherokee Switch? A No, sir, up above the river from Fort Smith up towards Wilson rock.

Q How long had she lived there at the time she died? A I could not tell you exactly how long, we moved from the Johnson farm up there, I guess it must have been four or five years.

Q You moved from the Johnson farm up there, four or five years before she died? A I come to Redland and stayed there a while.

Q By the Johnson farm did you mean the Ben Johnson farm? A Yes, sir.

Q That is what they call the old Ben Johnson farm? A Yes, sir.

Q How far is that from Fort Smith? A In sight of Fort Smith.

Q How long did your mother stay on the Johnson farm? A We didn't stay there very long, I could not tell you exactly.

Q Didn't live there very long? A Two or three years, somewhere along there.

Q What was before you came up to? A Redland, yes, sir.

Q Well then before that where did your mother live? A Stayed down here at Webbers Falls, when the peace was declared we moved from there to the Johnson farm.

Q You lived on the Johnson farm more than once? A No, sir; did you understand me to say that when peace was made we lived on the Johnson farm?

Q No, sir. A You asked me where I was born and I said in the Cherokee Nation.

Q How far up the river is Redland from Fort Smith? A I don't know, it must be 15 or 18 miles.

Q How long did you live at Redland? A I don't know, how long, we lived there above Redland.

Q You lived just above Redland? A Yes, sir.

Q And you went from there to the Johnson farm? A Yes, sir.

Q When was it you went to Redland? A I could not tell you just exactly what year it was.

Q A few years before your mother's death? A More than that, a good deal more than that.

Q Was it ten years before your mother died? A It was not hardly that long.

Q How long did you live in the Johnson farm when you and your mother went up to Redland? A I don't know, I could not tell you exactly how long, I never took any track of the time.

Q Did you live as much as four or five years on the Johnson farm before you went to Redland? A No, sir, not that long.

Q You went from the Johnson farm to Redland? A Yes, sir.

Q Where did you live before you lived on the Johnson farm? A We stayed up here when peace was declared she went from here to the Johnson farm from Webbers Falls.

Q Did you ever live on the Johnson farm here, that time? A No, sir.

Q How long did you live on the Johnson farm? A I told you I could not tell you.

Q Did you live on it as much as five years? A I, don't know, I don't think we stayed there hardly that long.

Q Do you know George W. Vann? A Yes, sir.

Q When did you first remember meeting him? A Oh, my goodness, I could not tell you that, I have been knowing him ever since I was a little boy, I first seen him when we stayed down here at Webbers Falls.

Q And when was that? A I was a small boy then, I could not tell what time it was.

Q Was that during the war? A It must have been before the war, I was a small boy.

Q That is about as far back as you can recollect, when you saw him there? A Yes, sir.

Q That is where you saw him the first time? A Yes, sir.

Q Did he live there in that neighborhood? A He must of, I guess he did.

Q And have you known him along ever since that time? A Yes, sir.

Q Been seeing him frequently ever since that time? A Yes, sir.

Q Where was he living when you went down to the Johnson farm?

A When I went to the Johnson farm he was living there then.

Q What had you been when you were at Webbers Falls, what kind of work? A I done just like children do, I done nothing, I was too small.

Q You were not old enough to work? A No, sir.

Q How old were you when you went to the Johnson farm? A About ten or eleven years old I guess.

Q Do you know when George W. Vann left the Webbers Falls neighborhood and went down to the Johnson farm? A I don't recollect when he went there.

Q He was living down there when you went there? A Yes, sir, I see him a lot of times with soldiers.

Q During the war? A That is what they call them, soldiers, the only thing I noticed about them they were dressed different from anybody else and they had guns.

Q Did they have on blue uniforms? A Yes, sir, blue clothes.

Q That was while the war was going on? A Yes, sir, while the war was going on.

Examination continued by John F. Seale, Attorney for Applicants:

Q You have always lived in the Cherokee Nation? A Yes, sir, I was out sometimes during the war, this has always been my home.

Q You would go away for a month or so at the time? A Yes, sir, I never moved away from the Cherokee Nation.

Q Do you know who called George W. Vann at the time of the war?

A Jim Vann, so I have always been told.

Q Was he a Cherokee Indian? A Yes, sir.

Q You state that you saw George W. Vann frequently ever since 1866; do you mean you have seen him in the Cherokee Nation? A Yes, sir.

Cross-examination by Mr. W. W. Hastings:

Q You applied for enrollment yourself before the Kerner-Clifton Commission in 1890? A Yes, sir.

Q They didn't enroll you; were you enrolled or not? A I don't know.

Q Did you draw any strip money? A Didn't draw any money.

Q You stated then that you lived in Pine Bluff, Arkansas? A No, sir, I never was at Pine Bluff.

Q You didn't state then that there was where you lived? A No, sir, I ain't got, you were the very man that questioned me yourself.

Q Your name is Rufus S. Norman? A Yes, sir.

Q You have six or eight children? A No, sir.

Q Do you know Charles Norman? A Yes, sir.

Q What kin is he to you? A That is my boy.

Q Leander? A Yes, sir.

Q Cora? A Yes, sir.

Q Martha? A Yes, sir.

Q Willie? A No, sir.

Q That is the same family? A Yes, sir, and I would give you that testimony.

Q Wasn't it said that you had been in the army? A Yes, sir.

I didn't swear that; you tried to make me say so.  
Q You knew the applicant, George Vann, during the war? A Yes, sir.

Q You saw him as a soldier? A I didn't say I saw him as a soldier, I said I saw him around the soldiers; I said I saw him around the soldiers frequently.

Q Was not he one of the soldiers? A I saw him frequently with the soldiers.

Q You remember him in particular? A Yes, sir, I do.

Q What circumstance makes you remember him and point him out to you as a boy? A My mother and him was cousins, so she always said and he said too.

Q You knew him in that way while you lived at Webber's Falls during the war, you and your mother? A We lived there in right at Webber's Falls, hired about.

Q With whom did she live there? A I don't know, who she lived with.

Q Don't know who she was working for, do you know any one she was working for? A I don't know.

Q Not a single person? A I don't know, I know she stayed there.

Q With whom was she living, you and she living immediately after the war and at the time you left the neighborhood and come down to the Ben Johnson place near Fort Smith? A Didn't live with anybody, staying in our own house there.

Q You don't know whom she was working for at the time you started from there down? A No, sir, I don't know who she was working for.

Q Now, your father died before the war? A I don't know whether he did or not.

Q You never knew him after the war? A My father went off sometime, I don't know whether he died or not.

Q You never knew him after the war? A My father went off sometime I don't know whether he died or not.

Q You never saw him after the war? A Not after the war.

Q With whom did you live on the Johnson place when you went down there? A We stayed there in the house there, didn't stay with anybody at all, just got the house and stayed in a little log house.

Q Just you and your mother? A Well, she had other children, Hudson.

Q Was he older or younger than you? A He was older.

Q How much? A Two or three years.

Q Than you? A Yes, sir.

Q Whose place did you farm down there? A We didn't farm.

Q What did you do then during the first year? A Just worked about anywhere could get work to do.

Q For whom did you and your mother, or any of you, work? A Just anywhere we could get to work.

Q Name some persons you worked for here in 1868? A I don't know.

Q Name some white person, or Cherokee, who was living there at the time? A There was not many white people in there.

Q Name some one? A I don't know.

Q Jim Vann was there was not he? A Yes, sir.

Q That was his former owner? A I see a person can't study up all these things.

Q You know he was there? A Certainly I do.

Q That was in 1868? A Yes, sir.

Q After peace? A Yes, sir.

Q His wife was there? A Yes, sir.

Q What was her name? A Her name was Nancy.

Q Jim Vann's wife? A The Vann's wife, I don't know what Jim Vann's wife was.

Q You don't know what her name was? A No, sir, I don't know what her name was.

Q What was George Vann's wife's name then, in '68? A I told you her name was Nancy.

Q Did he have any children at that time? A I think so.

Q Do you remember them? A Yes, sir.

Q What were their names? A I do not know, I don't know their names.



I don't know as I.

Q Is that his present wife? A Oh no, his present wife now is named Mollie.

Q How long did that wife live, that wife that you knew in '68?

A I could not tell you exactly how long she lived.

Q You can remember no Cherokees down there other than his former owner, Jim Vann, when you knew George Vann down there after peace, that is all you can remember is it? A There was not anything down there.

Q You can remember that one in particular? A I say there were Indians down there of course.

Q You remember about his former owner in particular? A Jim Vann.

Q Yes? A I remember his name, of course.

Q You remember seeing him down there when you went down? A No, sir, I didn't say I seen him.

Q You didn't say that? A No, sir, I didn't say that.

Q Well, now, what other Cherokees did you see in the neighborhood?

A I never taken any particular notice of the Cherokees.

Q Is there any one that you can name? A I don't know particular, I will have to study about it, I never noticed anybody.

Q Now you lived there a short time and you went over from Redland, did you? A There was Harnage there.

Q It was not William Harnage was it? A I don't know, it might have been, I don't know his given name, I always heard him called Harnage, I have seen him there.

Q Then you went down to Redland from there? A Yes, sir.

Q And you have lived at Redland ever since? A No, sir.

Q How long did you live down at Redland? A Oh, I don't know, I stayed there two or three years.

Q Then where did you go? A Moved from there down to the Wilson farm.

Q Are you living there now? A No, sir, I lived up here now.

Q Did you ever own a place down there? A Not there.

Q Did you ever make a place in Sequoyah district? A Yes, sir.

Q Where? A Not far from Vann's place.

Q When? A I don't know what year it was in.

Q You don't know who your mother worked for down there in 1866 or '67, the first years after the war? A She was hired about.

Q But you don't know any of the people? A No, sir.

Examination continued by John F. Faulder:

Q You said that Jim Vann was living at Webbers Falls in 1866; did you mean what you said here a few moments ago, that Jim Vann was living down there? A You didn't understand me to say that Jim Vann was living there.

Q If you said Jim Vann you meant George Vann? A Yes, sir, that is where I first knew him.

By Commissioner Brockinridge:

Q What year was that? A I told you it was time of the war was going on.

Q Not after the war was closed? A I seen him down at Fort Smith down there at the Johnson farm, I seen him before that up here at Webbers Falls.

Q How long after the war was it before you went down to the Johnson farm? A Not long.

Q Well, a year or two years? A No, sir, my mother went down there in the government wagons, just like they have got here, and I reckon it must have been a soldier driving it, and we all boys they carried us along in the wagons.

By Mr. John F. Faulder:

Q Did I understand you to say that you saw George Vann off and on here during the war? A Yes, sir.

Q At the time the war was going on? A Yes, sir.

DEW M. WISDOM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Dew M. Wisdom.

Q What is your age? A 68.

Q What is your postoffice? A Muskogee.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first know him? A In 1882.

Q Do you know anything about his status as a Cherokee Freedman?

A No, sir; I came to Fort Smith in 1882 from Tennessee and stayed there and bought an interest in what is called at that time the Muskogee and Fort Smith Stage Line and I leased a stable on the Choctaw Reserve down there near Fort Smith and I met with old Uncle George there and hired him as a hostler to take care of our horses, that was in 1882.

By John F. Faulds:

Q He was living in the Cherokee Nation in 1880? A That is my understanding.

By Commissioner Breckinridge:

Q He worked for you in 1882 as a hostler? A Yes, sir, he worked about three months; Mr. Kinney who is living at Fort Smith we were partners, we owned the stage line, and I hired him to take care of our horses in Fort Smith, the stable was on the Choctaw Reserve; there is a little corner of the Choctaw Nation on that angle in there in Fort Smith.

Q Did George Vann live on the Arkansas side of the line or Indian Territory side of the line? A Indian Territory.

RACHEL BAKER, called as a witness for Applicant being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Rachel Baker.

Q How old are you? A Well I can tell exactly.

Q About how old, as near as you can come to it? A I am about 65 I reckon.

Q What is your postoffice? A Benge.

Q In what district do you live? A In Benge; from here I live in Sequoyah district.

Q How long have you lived in the Cherokee Nation? A About lived here all my life only just in and out.

Q Were you born in the Cherokee Nation? A No, sir.

Q Where were you born? A I was born back in the old country, they brought me here.

Q Carolina? A No, sir, East Tennessee.

Q When did you come to the Cherokee Nation? A I can't tell you anything about that, I come when this was all a country, I can't tell anything at all about it.

Q Were you a slave in the old times? A Yes, sir; I guess I was.

Q Whom did you belong to in the old days? A I belonged to, I can't think of his name.

Q Forgotten all about him? A No, I ain't soared; you know I was quite small and could not recollect anything and I never was taught up anything. A man come with me but I can't think of his name.

Q You can't remember to when you belonged before the war? A No, sir.

Q Where did you live before the war broke out between the North and the South? A I was up here at the Salt works.

Q Where were the salt-works? A Up here on the, I can't think of the creek, I was up there.

Q What were you doing? A I was just working, going about helping them cooking.

Q Who were you helping? A I was helping a man, there was a man there by the name of Brew, I worked about with him.

Q How long did you live there? A I stayed there nearly all the time until the war came up.

Q You had been there a good many years? A Yes, sir, over ten

war come up we all went out.

Q Was your father up there with you? A No, sir, I don't know my mother.

Q Was your father with you? A I don't know my father.

Q You don't know who claimed you as your master? A No, sir, and I didn't want to know only this man Drew.

Q When the war come up what did you do? A We went out,

Q Where did you go? A Out in the state and back around.

Q In what state? A Into Arkansas.

Q Whom did you there with? A I went out with the wagons.

Q Who was in charge of them? A I don't know who was in charge.

Q Were there mostly colored people? A Some of them colored and some of them white people.

Q Do you claim to be a Cherokee Freedman? A Yes, sir, that is what I always thought.

Q Well, when the war closed what did you do then? A When the war closed I stayed out there; they said "well the war is ended," and I come back.

Q Where were you then? A Up on some creek.

Q In Arkansas? A Yes, sir, and then we come back here to the Territory.

Q Who came back with you? A My husband.

Q How long have you had the name of Baker? A All my life.

Q You have always gone by that name? A Yes, sir.

Q What was your husband's name? A His name was Baker too.

Q Did you go by the name of Baker when you were a girl, before you were married? A Yes, sir, always went by the name of Baker, they always called me Rachel Baker.

Q You don't know whether it was in Arkansas you stayed during the war? A No, sir, just samped out and doing the best we could I reckon; if I could just study up I might name over some places.

Q Well, what were you doing over there? A Doing the best we could, trying to work and first one thing and then the other.

Q Did you marry over there? A No, sir.

Q Where did you marry? A I married up here at the works.

Q Married before you went to Arkansas? A Yes, sir.

Q How long had you been married when you went over to Arkansas?

A I went so, I had not been married long, my child was not born.

Q Your child was born after you went over to Arkansas? A Yes, sir.

Q How long did you stay in Arkansas? A Stayed there until after the surrender; they said it was four years after the surrender; me and my husband gathered up and worried back some way.

Q How did you happen to go to Arkansas; did the Union soldiers begin to come down? A Yes, sir and they got scared.

Q And you went away to Arkansas when the Confederates fell back and the Union soldiers came in? A Yes, sir.

Q How long do you consider you stayed in Arkansas, about four years?

A Yes, sir; stayed until the war was ended; stayed over there about a year I reckon and then come back.

Q Where did you go when you come back? A Down there in Fort Smith and I come back up into the Territory; I don't know nothing and I worked for first one and then another.

Q You first landed at Fort Smith? A Yes, sir.

Q How long were you unsettled here before you could get down to regular farming? A Well didn't do much but work around, I don't know much, so I don't know how long.

Q Where did you first locate here in the Cherokee Nation when you first come back? A Here, the Cherokee Nation.

Q Well, whereabouts? A In the Pappas bottom.

Q Did you and your husband take up some land? A Didn't take up nothing.

Q Just worked? A Yes, sir.

Q How long did you stay there in the Pappas bottom? A Good while.

Q Well, good, or something like that? A Yes, sir; and then he

- Q And then where did you go? A Sorter traveled.
- Q Where did he go? A He went to Hot Springs for his health.
- Q Hot Springs, Arkansas? A Yes, sir.
- Q Did you go with him? A No, sir.
- Q What did you do? A I just worked around.
- Q You didn't go out yourself? A I didn't go out then, but he got bad and I went to stay with him and he died.
- Q How long did he stay when he went off to travel for his health?
- A Two or three years.
- Q You all the time stayed in the Pawnee bottom? A Yes, and sometimes I would go with him and then he got back.
- Q How long did he live after he got back? A He never got back, he died at Hot Springs.
- Q Did you go to him? A Yes, sir, I went to him as soon as I could.
- Q Well then after his death, where did you live? A I stayed down there about two months; what little I had was here and I come back here.
- Q Where was that? A Down here in Sequoyah District.
- Q You never did apply to the Cherokee Nation for enrollment at no time? A No, sir.
- Q You are on no roll at all of the Cherokee Nation? A No, sir.
- Q And you never at any time applied? A No, sir.
- Q You were living here five years ago? A Yes, sir.
- Q And you have lived here in the Cherokee Nation ever since 1866?
- A Yes, sir, been in and out ever since.
- Q You never did at no time apply for enrollment? A No, sir.
- Q You don't know when you belonged to before the war? A No, sir; I can't tell you.
- Q Did you know any Cherokees that you saw before the war? A Yes, but that they are dead ones.
- Q Name them? A Soldiers and the old set of them and the old man Chickingourd and the old man Sterr and the old man Drake.
- Q In what district were these salt works? A I don't know. They said it was here in the Nation, I could not tell you.
- Q Was it these salt works near Coffeyville, Kansas? A I guess it was. It was up here on the Creeks.
- Q Webbers Creek? A Yes, sir.
- Q It is on Webbers Creek then? A Yes, sir.
- Q That was about three miles from Coffeyville, Kansas, was not it?
- A I reckon, that is what they say.
- Q You know they used to go there and trade didn't they? A Yes, sir.
- Q Do you remember going to the town? A Yes, sir.
- Q You didn't remember any Cherokees at all? A No, sir.
- Q Many people work at the salt works? A Yes, sir.
- Q Do you remember any colored people there except Mr. Wann?
- A No, sir. He was the only one that joked.
- Q He is the only man you knew? A Yes, sir.
- Q Are these called the Striking Salt works? A I don't know.
- Q Do you know whether Strike was the man that owned them or not?
- A I don't know.
- Q What Cherokees did you see just after the war when you come back here? A I worked a while with old man Shakingourd; I worked a while and he died, he was living down here in Sequoyah.
- Q Did you come back on this Valley train when you come back here after the war? A I come along, when I was coming on the wagons along.
- Q If you had after the war when you come back? A No.
- Q The trains were running on that road then? A They might have running, but I didn't come back on them.
- Q You saw the trains running along so you come along on this Valley road yourself when they run down through Sequoyah? A Yes, sir.
- Q The railroad was there but you didn't come on it? A Yes, sir.
- Q That is what you want to say? A Yes, sir.
- By Commissioner Breckinridge:
- Q How long did you live up at the salt works? A I don't know.

Q A number of years? A Yes, sir, I don't know how long I was there  
I was there a longtime before I was big enough to do anything.  
Q There when you were too little to work? A I could not tell you.  
Q Then you went from there over to Arkansas during the war? A Yes, sir.  
Q Was this George Vann up there all the time? A Yes, sir.  
Q He was up there all the time was he? A Yes, sir.  
Q You remember him there all the time do you? A Yes, sir.

By John P. Paulda:

Q Do you know John Williams, a white man, that has been here in  
Fort Gibson since you have been here and met you here this morning?

A Yes, sir.

Q You know him? A Yes, sir.

Q Did he come to those salt works that you speak about while you  
were working at the salt works? A While I was working there I saw him

Q These Salt works you are speaking of, you saw him there? A Yes, sir.

Q Do you know where the Arkansas River is? A Yes, sir.

Q How far is this Webbers Falls from the Arkansas River? A Two or  
three miles, I don't know.

Q That is the Webbers Falls you speak of where you saw George Vann,  
is not it? A Yes, sir.

Q This salt works you speak of was right close to the Arkansas River  
where you worked, in the Cherokee Nation? A Yes, sir.

Q In the Indian Territory? A Yes, sir.

Q Coffeyville, Kansas, you know where that is, that is away up  
north they got you rattled? A I don't know anything about Coffeyville  
they said they would go.

By Commissioner Breckinridge:

Q You know the name of Coffeyville? A Yes, sir.

Q And you would go in there when you wanted to do some shopping?

A I never went in there much.

Q You know the name? A Yes, sir.

Q And you were often sent after things and sometimes go there?

A Yes, sir.

Q And you know that Coffeyville was across the state line didn't  
you? A No, sir.

Q Didn't know about that part of it? A No, sir.

Q Just remember the name? A Yes, sir.

Q How far was that from the Salt works? A I don't know

Q But the people often went there for trading? A Yes, sir; I don't  
know anything about how far it is.

Q would they go in the morning and come back in the afternoon?

A Some would go in the morning and some in the night.

Q Seemed to be a good day's ride? A Yes, sir.

JOHN WILLIAMS, called as a witness for the Applicants, being  
sworn and examined by Commissioner C. B. Breckinridge, testified as  
follows:

Q Give me your full name? A John Williams.

Q How old are you? A I am 65 years old past.

Q What is your postoffice? A Fort Smith.

Q How long have you lived in Fort Smith? A Well, I have been  
living permanently there since 1860; I was there before that.

Q When did you first come to Fort Smith? A I come there in 1854,  
that is to stay any time.

Q And where did you come from? A I came from Washington Territory  
to the Territory here and from the Territory to Fort Smith.

Q How long did you stay in Fort Smith when you went there in 1854?

A I stayed there a month or two.

Q Where did you go to? A I was then living there and after I  
lived there I went to Missouri.

Q In what year was it you went up to Missouri? A '53.

Q How long did you stay up there? A I stayed there until '54.

Q When did you again come to Fort Smith? A In '55.

Q Has you go there to live? A Well I was not settled anywhere, I

stayed there, yes, sir.

Q How long did you stay there in 1865? A I stayed there a few months.

Q And then where did you go? A I went back to Missouri again.

Q How long did you stay up there? A I stayed up there until the Spring of '66.

Q Where did you go then? A Came back to Fort Smith.

Q How long did you stay at Fort Smith? A I stayed there, I have been there all the time, off and on ever since, that has been my home ever since that time, I haven't been there all the time.

Q When you went there in 1866, how long did you stay there continuously? A I was then buying cattle and traveling around in this country.

Q Making Fort Smith your headquarters? A Yes, sir.

Q Have you spent any considerable period of time away from Fort Smith? A About six or eight months.

Q Where were you away? A I was at Ozark, Crawford County, my home was at Fort Smith.

Q Were you frequently away from Fort Smith as much as three months at the time? A No, sir.

Q You were engaged in the cattle business? A Yes, sir.

Q How long did that continue? A Up until '70.

Q And you had occasion to go to different places during that time?

A Yes, sir.

Q Did you range out into the Indian Territory? A Yes, sir, after '70, I did.

Q Well, before '70? A I was backwards and forwards from Texas.

Q And to different places in Arkansas? A Yes, sir.

Q In prosecuting the stock business? A Yes, sir.

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

Q When did you first meet him? A I first met him in '60.

Q Where did you meet him in 1860? A At the salt works.

Q Where are these salt works? A Up close to Webbers Falls.

Q What was he doing there? A He was helping to make salt.

Q Who had charge of the salt? A They were known as the John Drew salt works, I don't know.

Q Did you know anything about his whereabouts during the war?

A I did up to '62, he was in the lower part of the Territory, just down to Fort Smith, backwards and forwards.

Q And then you lost sight of him? A I went away then.

Q When did you see him again? A In '65.

Q Where did you see him? A At the mouth of the Grand river.

Q And did you have occasion to see him while you were engaged in the cattle business up until 1870? A I didn't see him until in the fall of '65, I went to Texas and come back and met him again at the Falls in '65.

Q Well and then what did you see of him after that; have you any definite recollection as to when you saw him and where you saw him?

A No, sir, not until I come back from Missouri.

Q When was that? A I come back in '66.

Q What fixes him on your mind then? A He was in the hay camp then.

Q What was he doing? A Making hay.

Q That was in '66 you saw him? A Yes, sir.

Q Where was that, in the Cherokee Nation? A Yes, sir, about ten miles from Fort Smith.

Q And did you have occasion to keep run of him after that?

A Not particular; he was always talking about religion and preaching when I did see him.

Q Do you remember definitely of meeting him at any particular periods after you met him in the hay camps? A I saw him every week or two, that is I saw him frequently after that.

Q Down to how long a time? A Up to the present time.

Q You have seen him as frequently as one would a man living immediately in your community? A Yes, sir.

Q Perhaps every month? A In 1870 I engaged in the Merchant

business and was traveling in through this country.

Q And then you would meet him frequently? A Yes, sir.

Q Previous to that how about meeting him? A Well, during the time I was gone I never met him at all. From '62 to '65.

Q I am talking about the period you say from him after '66? A I saw him frequently after that.

Q You saw him almost continuously? A I saw him on and off as I would see any other neighbor, he was always about.

Q And that continued on down to 1850? A Yes, sir.

Examination continued by John P. Faulds:

Q You say you became acquainted with Mr. Vann first in 1860?

A Yes, sir.

Q Do you remember where you met him? A At the salt works.

Q That was the salt works at Webbers Falls? A Down there somewhere.

Q In the Cherokee Nation, Indian Territory? A Yes, sir.

Q And you went away then sometime; when did you go away? A I went away in '62.

Q To Missouri? well now you say you met him at the Grand river, in what year? A Yes, sir.

Q What circumstance puts that on your memory? A He was still preaching; at was at the Falls always trying to preach and talking me about religion and I was there at the crossing of the Arkansas, he was there working when we crossed.

Q And then where did you go? A Down in Texas.

Q What were you doing in Texas? A I went down there in the Patent Right and buying cattle also.

Q Did you bring cattle back with you? A Yes, sir.

Q How did you come to go to Webbers Falls in '66? A When I came back, we were camped on Elk creek to rest a few days.

Q Where is Elk Creek? A In the Creek Nation, somebody stole our work team of cattle and two horses; that left us so we could not travel.

Q That was in '66? A No, sir, '65.

Q And you say at Webbers Falls that time you saw George W. Vann?

A Yes, sir.

Q He was working there? A I don't know whether he was working there or not; I saw him in the store.

Q Where did you go then? A I went back to the road.

Q When did you come back to live in Fort Smith? A In the Spring of '68, early in the Spring.

Q And did you see Van at that time? A I saw him, it must to have been about hay cutting time, they were getting hay on the prairie.

Q In the Cherokee Nation? A Yes, sir.

Q Well then when did you go to live in Fort Smith? A I had not been away from there but a few months then.

Q In '66? A Yes, sir, I was at Franklin County about six months in 1872.

Q With the exception of about six months in Franklin county you had resided continuously in Fort Smith? A Yes, sir.

Q When were you appointed a Marshal? A In 1870.

Q How long did you hold that position? A About 24 or 25 years.

Q You were a deputy marshal at Fort Smith? A Yes, sir.

Q And from 1866 to the present time you have frequently seen George W. Vann, the applicant, in the Cherokee Nation? A I always called it Parson Vann.

Q That is the applicant in this case? A That is the man right there.

Q Now, do you remember seeing Rachel Baker at the salt works in the Cherokee Nation? A That was a young lady cooking, she resembled the same one.

Q The one who gave evidence here? A Yes, sir.

Q What was she doing there? A She was cooking.

Q In what year was that? A In 1869.

Q She was cooking at the camp at the salt works at Webbers Falls in the Cherokee Nation; it was not at Coffeyville Kansas? A No, sir, down close to the Falls.

Q On the Arkansas River? (No response.)

Q Now, in 1860 when you saw George Vann did you know who owned him at that time? A I don't know, but I know who was said to have owned him.

Q Who was said to have owned him? A He said Jim Vann owned him.

Q A Cherokee Indian? A I don't know about that.

Q But he was said to have belonged to Jim Vann? A Yes, sir.

Cross-examination by V. V. Hastings:

Q Did you ever see Jim Vann? A I did.

Q Before the war? A No, sir.

Q After the war? A No, sir, during the war.

Q Where did you see him? A Saw him on Bird Creek.

Q Where was that? A Creek Nation.

Q When? A It was during the Fortieth fight.

Q What year was that? A That was in '51.

Q He was there was he? A Yes, sir, and they called Jim Vann.

Q What kind of a looking man was he? A He was necessarily white and white man? A Almost white.

Q About what age was he? A He appeared to be about 25 or 30 years where along there.

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

Q You only saw him the one time? A I saw him several times during the time we were camped there.

Q How far were these salt works from Webber's Falls and what direction?

A They were right close to the Falls at John Drew's old place.

Q Well, about how far? A About a mile and a half or two miles back from the water falls.

Q That direction from Webber's Falls? A South of there.

Q On the west side of the Arkansas river? A Yes, sir.

Q The town of Webber's Falls was then there? A There was only one or two stores there.

Q Do you remember any one else living there who was keeping the store? A At the time I was getting salt I never came down as far as the town was, we only went to Drew's house.

Q What kind of a house did Drew have? A It was a one story house.

Q Franks or log? A It might have been weather boarded log house, it was a double log house, porch between them.

Q You don't know whether it was weather boarded or not? A It was a good house at that time.

Q Did he have a large farm? A Pretty large farm.

Q How far were these salt works from Drew's place? A About a mile and a half or two miles.

Q Do you remember any other Cherokees that was in that neighborhood at that time? A Yes, sir.

Q Name them? A There were the Browns, two or three of them.

Q Anybody else besides the Browns? A No, not in the immediate neighborhood.

Q Did you meet any other Cherokees at the salt works? A There were several full blooded Cherokees at the time.

Q Do you remember any one of them? A No, sir.

Q Who was foreman of the Salt works? A I don't remember it.

Q You bought salt from him? A Yes, sir.

Q Who did you buy salt from? A I come there and got the salt and give a fine bill on the store.

Q What store? A Holmes' store.

Q They were at the Creek Agency at the time of the war? A Yes, sir.

Q But you don't know when you would give these accounts to? A No, sir.

Q You don't remember his name? A No, sir.

Q You were there a number of times? A I see there three or four times.

Q Were any other full blooded Cherokees there? A I don't know.

Q How many full blooded Cherokees were there? A I don't know.

Q How many mixed blooded Cherokees were there? A I don't know.



Q you identify her as being that woman? A I think she is the same woman, she had changed some since then.  
Q Do you remember any other colored persons there that was there at the works prior to the war? A I would not know him excepting for his preaching faculties.

Q Did he have his wife there with him? A I didn't see her.

Q Did you hear him say anything about her? A No, sir.

Q What are you doing now? A I haven't been doing anything for a year or so, I have had the rheumatism. I have been keeping books at the saw mill.

Q You say you have lived in Fort Smith almost continuously since the war? A Yes, sir.

Q Now, when did you quit riding as a deputy marshal? A I quit when George Crump was Marshal.

Q How many years ago was that? A It has been about eight years.

Q Have you a family? A I have got two brothers.

Q Married? A Well I was, my wife got killed.

Q Are they living with you? A No, sir, one is in Colorado and the other is at Seneca.

Q Where do you make your home there in Fort Smith? A I am boarding there at Bridges Hotel.

Q Have you been doing anything since you were Marshal eight years ago? A Yes, sir.

Q What have you been doing? A Different occupations, I worked at the saw mill.

Q How long have you worked at the saw mill? A Four or five years off and on.

Q Where was the saw mill? A Up close to Powell, Indian Territory.

Q What else have you been doing? A Part of the time I have not been able to do anything, haven't been able to get around.

Q Do you know who he was living with in 1886; you didn't see his family, you would always see him at Fort Smith or over there in the hay camp? A No, sir.

Q Do you know who he was putting up that hay for? A I don't know.

Q Do you know who was boss of the camp? A Mike Wallace.

Q Mike is in the saloon business there? A He is in the grocery business.

Q He was boss of the camp that this man worked in? A He was boss of one camp, there were several existing there on the Blackburn prairie.

Q Have you ever been tried for any offense? A Yes, sir.

Q What for? A I was charged at one time for stealing a hundred head of mules.

Q Have you been tried for anything else? A No, sir.

Q Have you ever been arrested any other time? A No, sir. They got the wrong man though.

Q Do you know J. Warren Reed? A Yes, sir.

Q Have you talked to him about this case? A No, sir.

Q You have not? (reads "No.")

Q You never have? A Yes, I have talked to him about a case.

Q You never talked to him about this man, George W. Vann, about this case? A Yes, I have talked to him.

Q He is down here in town and you and others have talked to him about this case, you and the other witnesses? A I have talked to him.

Q Was not you present when other witnesses talked to him about it?

A No, sir.

Q Didn't you talk to him last night? A No, sir, didn't see him at all.

Q Did you talk to him this morning? A Yes, sir.

Q About this case? A Yes, sir.

Examination by John F. Yalld:

Q You say you were charged with stealing how many mules? A One hundred sixty head.

Q What became of that charge? A Being proved.

Q Why? A Because I was not the one.

Q Case of mistake? A Yes, sir.

Q You were speaking of Jim Vann being the name of Vann?

the applicant: was that the Jim Vann, the son of old Joe Vann, who was blown up on the steamboat? A I don't know about that.

Q Do you know that it was said that he was? A Yes, sir.

Q It was said that he was a son of old Joe Vann that was blown up on the steamboat on the Mississippi River? A Yes, sir.

Q You are a white man? A No, sir, Irishman.

Q Citizen of the United States? A Yes, sir.

Q You have no Freedman blood in you and no Indian blood?

A Not that I know of.

GEORGE W. VANN, the Applicant, re-called, testified as follows:

Examination by John F. Faulds:

Q Mr. Vann, I will ask you if you ever worked in any salt works in Coffeyville, Kansas, or any place in Kansas? A Never in my life.

Q Never worked in Kansas in your life? A No, sir.

By W. W. Hastings:

Q You said in your examination yesterday that you had charge of a church at Tahlequah? A I did, sir.

Q When was that? A In '37, I told you that I had charge of a church as what we called Revolt, at Sandtown, Nivens town, Fort Gibson, Four Mile Branch out here and one in Tahlequah.

Q How long did you have charge of that church? A Rode that circuit there one session, then I went out and I next went to the Choctaw Nation at Sculliville, and the next one at Sulphur Springs.

Q When did you owner, Jim Vann die? A Well, sir: I don't know, my understanding was that he died in Kansas after the Portillohla fight and died up there.

Q During the war? A Yes, sir.

Q Mrs. Brewer here was a sister of his, do you know her before the war? A Why yes, seed her here in Gibson.

Q Did you know her before the war? A Why yes: was not I under her, her, old Joe Vann's child.

Q Did Jim Vann have a woman down at the beginning of the war?

A I don't know, sir, whether he did, because six years I was hired to old Ben Johnson and never went in the family.

Q Did he have any when you left him the six years before the war?

A I don't remember, sir, because Jim Vann had my hired out and got all the money he could and get drunk.

Q You don't know anything about his family? A I knew him at Webbers Falls: Sallie Lavore was Jim Vann's youngest child: he hired me out and got the money and would get drunk.

Q How long did you work at these salt works? A I guess about two months there.

Q Who was in charge of them? A I don't know, sir.

Q Who were you under? A Well, there was a man there by the name of Crutchfield that always paid me for the work.

Q They always paid you and you sent it to your owner? A Yes, sir; well, no, sir: I never sent it to him only I would carry it to old Ben Johnson: I was hired to old Ben Johnson for \$900 that was owing and I was hired out and I would get \$30 a month.

Q What I understand from you, you were hired to Ben Johnson but was owned by Jim Vann? A Yes, sir.

Q You testified five years ago that you belonged to Dr. Tackett at that time? A Never in the world.

Q And was not Dr. Tackett here to testify the same thing? A No, sir.

Q Didn't you swear that you belonged to Jim Vann up to just about the war and that Jim Vann sold you to Dr. Tackett and didn't you have Dr. Tackett, who is now dead, to come up before the Kern-Clifton commission in 1896 to swear that that was a fact? A No, sir: that is right about, I sent to Dr. Tackett: when he come to this country, old Jim Vann and his come and he got five hundred dollars in debt and when he come here old Joe Vann was about to kill him and I was his waiting boy and he had to call me back: he swore that I had five hundred

"collaring interest in that nigger once" and Jim Vann had the note then when old Joe Vann come on the steamboat and found it out he was about to kill him.

Q About when was that? A I don't know. And I had to deny it and he had his tussel and I had seen him kill two or three and he said he would kill him; he said he would and he took it back and he said he would let him alone; I could go to Fort Smith and get the record where Dr. Tackett took me up; and what is in my duty because I went to Washington City in 1872 and sued for \$75,000 and sued and got it for the negroes; that is the reason they hate me and that is what they said that man passed me once when the Wallace roll went up.

By Mr. John F. Paulds:

Q That Jimm Vann who owned you was a Cherokee Indian? A He was.

Q And he was a son of old Joe Vann that was blown up on the steamboat on the Mississippi? A On the upper Mississippi, between St. Louis and the mouth of the Mississippi.

Q You say Jim Vann hired you out to a man by the name of Ben Johnson? A Yes, sir.

Q And you were working under the instruction and subject to Ben Johnson when you were at the salt works? A Yes, sir.

Q Jim Vann owed Ben Johnson an amount of money? A Yes, sir.

Q And he hired you out to Ben Johnson to pay for that debt? A He had a mortgage on me.

Q And you were paying off that debt due to your master while you were working at the salt works? A Yes, sir.

By W. W. Hastings:

Q When was that this dispute came up between you and Dr. Tackett when Joe Vann was present that you refer to in your testimony?

A It was after I emigrated from the old Nation.

Q Well, about how long before the war? A A good while before the war.

Q About how many years? A You have got to something I don't know.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four minor children and for the enrollment of six grandchildren, who are orphans and children of a deceased daughter; The applicant is identified on the Kern-clifton roll, but not upon the roll of 1880 or the census roll of 1896. The testimony in this case has been voluminous and the applicant will now be listed for enrollment upon a doubtful card for further consideration.

The applicant's wife is not identified upon any roll, but she will be listed with him as a Cherokee Freedman on a doubtful card.

Of the four minor children applied for, one is found to be of age, and the application is only continued for three, viz; Harrison, John and Janie Vann. These children are respectively 19, 14 and 13 years of age and are said to be the children of the applicant's present wife. They are not identified upon either the Kern-clifton roll, or upon the census roll of 1896. They are said to be living at this time and they will be listed for enrollment upon a doubtful card as Cherokee Freedmen. It should be noted that the mother of these children is said to be a Creek woman and the Creek roll should be examined before a final decision is reached with reference to the applicant's wife, the mother of these children, now known as Mary J. Vann.

The six grandchildren named in the testimony, John, Richard, Thomas, Harrison, Janet and Peter Vann, are said to be living and to be the children of the applicant's deceased daughter, Lucy. The mother of these children would be about 45 years of age if living now and is said to have died some five years ago. She is not identified upon any roll of the

Cherokee. The children are said thought to be upon the Kern-  
Clifton roll and the census roll of 1896, but they are not  
identified upon either of said rolls. They will now be listed  
for enrollment as Cherokee Freedmen upon a doubtful case.

Reference is made to Commission case No. 257, page 44,  
Docket A, showing that George W. Vann, et al., applied to the  
Dawes Commission for admission to Cherokee citizenship Septem-  
ber 7th, 1896; that the application was denied and no appeal  
was taken therefrom. At present it cannot be determined whether  
this is the George W. Vann in question, but the case will be  
examined at the proper time through the original documents.

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J. O. Reason, being first duly sworn, states that as stenograph-  
er to the Commission to the Five Civilized Tribes, he correctly re-  
corded the testimony and proceedings in this case, and that the fore-  
going is a true and complete transcript of his stenographic notes  
thereof.

Signed, J. O. Reason.

Subscribed and sworn to before me this 23rd day of April, 1901.

Signed, F. B. Needles,  
Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he correctly copied the  
foregoing, and that the same is a true copy from the original.

*Bruce G. Jones*

Sworn to and subscribed before me this January 3, 1902.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Cornelia Hill for enrollment as a Cherokee Freedman.

Cornelia Hill, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Cornelia Hill.  
Q How old are you? A I am 22.  
Q What is your post office? A Benge.  
Q In what district do you live? A Sequoyah.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to enroll anybody besides yourself? A Well I have a little child, but I heard his grandmother enrolled him when she was up here last week, the Bentons.  
Q You have a child and you want to enroll that child if it hasn't already been enrolled? A Yes, sir, I want it in with me.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Give me the name of your father? A Baalam Hill.  
Q Is he dead? A Yes, sir.  
Q Give me the name of your mother? A Mary Jane Youngblood.  
Q She is alive, is she? A Yes, sir.  
Q You were married once to a man named Benton, were you? A Yes, sir.  
Q What was his full name? A Will Benton.  
Q Is he alive? A Yes, sir.  
Q When were you and he married? A In 1894.  
Q You have separated have you? A Yes, sir.  
Q When did you separate? A Separated in 1894.  
Q You have now taken up your old name of Hill? A Yes, sir.  
Q Does he make any claim, or do you make any claim through him, to Cherokee citizenship? A No, sir.  
Q He is an outside man altogether? A No, sir, he is a citizen.  
Q Are you divorced from him now? A Yes, sir.  
Q Did you get a divorce through the courts? A Yes, sir.  
Q He is a Cherokee citizen? A Yes, sir.  
Q A Freedman? A Yes, sir, he is a Freedman.  
Q How old is he? A I don't know just exactly.  
Q Is he older than you? A Yes, sir, about 24 or 25.  
Q Give me the name of this father? A Thomas Benton.  
Q Is he dead? A I don't know, sir.  
Q Give me the name of his mother? A Amanda Benton.  
Q Is she dead? A No, sir.  
Q Now give me the name of this child? A Claud Benton.  
Q How old is that child? A He is 6 years old.  
Q The child is living now, is it? A Yes, sir.

George W. Vann, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q How old are you? A I am going on 187.  
Q What is your post office? A Benge.  
Q You came to this country when the Cherokees came here? A Yes, sir.  
Q And you claim to have lived here ever since? A Yes, sir.  
Q Is this your child? A That is my granddaughter, her mother was sitting here.  
Q Her mother, Mary J. Youngblood, is your daughter? A Yes, sir.  
Q And this is her daughter? A Yes, sir.  
Q Now this woman, she has been married, has she? A Yes, sir, she married Will Benton.  
Q They lived together a while and they parted? A Yes, sir, he went to the pen for shooting a man and when he came back she wouldn't have him any more, and she got a divorce from him.  
Q She got a divorce from him? A Yes, sir.

Cornelia Hill - 3.

- Q And she has a child? A Yes, sir.  
Q When did she marry Will Benton, about how long ago? A She must have married him sometime about 1890 I should think; I am not certain; they married at my home.  
Q This is a child of that marriage? A Yes, sir, Claud, the only child they have got.  
Q This woman here, was she ever married before she married this man Benton? A No, sir.  
Q Was he ever married before he married her? A No, sir.  
Q It was the first marriage between them? A Yes, sir.  
Q And you know this to be the child of that marriage? A Yes, sir.  
Q Claud Benton, the child of this applicant, is found to be enrolled with its father on Cherokee Freedmen Card No. 516.

Cornelia Hill, recalled, testified:

- Q Who is this child living with now? A He is living with me.  
Q You say that the child's father, William Benton, is in the penitentiary at Little Rock, Ark.? A Yes, sir.  
Commissioner: It appears that William Benton and the child Claud were enrolled by William Benton's mother, and you understand that this does not give the father any control of the child's property; that is another matter.  
Q When you got a divorce were you given the custody of the child, the child left with you? A Yes, sir.  
Q By the court? A Yes, sir, I have always had him.  
Q When the court granted you a divorce then you were given charge of the child? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.  
The Kerns-Clifton roll examined, and the applicant identified thereon, page 130, No. 3955, Sequoyah district.  
The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant's husband, William Benton, identified thereon, page 685, No. 185, Sequoyah district, as Willie Benton;  
The 1896 census roll of Cherokee Freedmen examined, and the applicant's husband, identified thereon, page 1131, No. 10, Sequoyah district, as Willie Benton.  
The Kerns-Clifton roll examined and the applicant's mother identified thereon, page 160, No. 3964, Sequoyah district, as Mary Jane Youngblood.

Commissioner Breckinridge: The applicant applies for herself and she begins the application by applying also for a child, Claud Benton, which child is found, however, to have been enrolled and that part of the application is discontinued. The applicant claims to have lived in the Cherokee Nation all her life. She is identified on the Kerns-Clifton roll, but not upon the 1880 roll or upon the census roll of 1896. It is shown that she was married to one William Benton, who is identified on the rolls of 1880 and 1896 as a Cherokee Freedman, but he was sent to the penitentiary and she procured a divorce from him. Reference is made for the further consideration of the merits of this case to the application of her mother, just taken, Mary J. Youngblood, who is identified on the Kerns-Clifton roll, and this case is also connected with that of the applicant's grandfather, George V. Vann, Cherokee Freedman Doubtful card No. 5115, to which reference is also made. The applicant at the time of the divorce had her maiden name restored to her. She is a child of her mother's first marriage, which was duly established in her mother's case. She will now be listed for enrollment as a Cherokee Freedman upon a Doubtful

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card, and the final decision of the Commission will be made known to her at her post office address.

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

Bruce G. Jones

Sworn to and subscribed before me this the 23rd of April, 1901.

*C. McKinstry*

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Mary J. Youngblood for the enrollment of herself and five children as Cherokee Freedmen

Mary J. Youngblood, being duly sworn and examined by Commissioner Brackinridge, testified as follows:

- Q Give me your full name? A Mary Youngblood.
- Q How old are you? A I guess I am about 40.
- Q What is your post office? A Hange.
- Q In what district do you live? A Sequoyah.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A My children.
- Q How many children? A I have got seven.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Give me the name of your father? A George Vann.
- Q George W. Vann? A Yes, sir.
- Q He is alive, is he? A Yes, sir.
- Q Give me the name of your mother? A Narcissa Vann.
- Q Is she alive? A No, sir, she is dead.
- Q Give me the names of your children? A Cornelia Benton.
- Q How old is that child? A She is 22.
- Q ~~XXXXXXXXXX~~ She will have to apply for herself; give me the name of your next child? A Sarah Howell.
- Q How old is that child, Sarah Howell? A She is 20.
- Q Is she married? A She has been married.
- Q Has she got any children? A No, sir.
- Q Does she go by ~~XXXXXXXXXX~~ her husband's name? A Yes, sir, that is her husband's name.
- Q Isn't she living with her husband now? A No, sir, she lived with me.
- Q Well, give me the name of the next child? A Pearlie Hill.
- Q How old is that child? A ~~She is 18.~~
- Q Has she ever been married? A No, sir.
- Q Give me the name of the next child? A Coralee Youngblood.
- Q How old is that child? A She is about 9.
- Q The next child? A Cassie May Youngblood.
- Q How old is she? A She is 6 years old.
- Q The next child? A Richard Youngblood.
- Q How old is he? A He is 2, going on 3.
- Q The next child? A I don't know.
- Q Is that all? A No, sir, the baby hasn't got any name; call him Washington Youngblood.
- Q How old is he? A He is about 2 months old.
- Q Are these children all living now? A Yes, sir.
- Q How many times have you been married? A Twice.
- Q Give me the name of your first husband? A Bauler Hill.
- Q Is he dead? A Yes, sir.
- Q When did you and he marry? A In 1877 I believe.
- Q Did you live with him until he died? A Yes, sir.
- Q When did he die? A He has been dead about 15 or 16 years.
- Q Your name in 1880 was Hill? A Yes, sir.
- Q Well, after he died you married your present husband? A Yes, sir.
- Q What is the name of the man you married a second time? A His name is Frank Youngblood.
- Q Is he dead? A No, sir.
- Q Are you still living with him? A Yes, sir.
- Q Does he claim to be a Cherokee Freedman? A No, sir.
- Q You make no application for him? A No, sir, I don't make none for him, he claims it.
- Q He didn't get out a Cherokee license when he married you? A No, got a license.



Mary J. Youngblood - 2.

- Q Where did he get it? A At Muskogee, I reckon.  
Q Then he got a United States license? A Yes, sir.  
Q When did you and Frank Youngblood get married? A In 1893, I believe; no, 1892.  
The 1880 authenticated roll of Cherokee Freedmen examined, and the applicants not identified thereon.  
The 1890 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.  
Q Have you got a 'J' in your name? A Yes, sir.  
Q Call your name Mary Jane, do you? A Yes, sir.  
The Kerns-Glifton roll examined, and the applicants identified thereon as follows:  
Mary J. Youngblood on page 100, No. 3954, Sequoyah district, as Mary Jane Vann.  
A You can find the oldest child as Sarah Annie, her name is Sarah Annie.  
Sarah A. Howell on page 100, No. 3956, Sequoyah district, as Annie Hill;  
Pearlie Hill on page 100, No. 3957, Sequoyah district;  
Geralee Youngblood on page 100, No. 3958, Sequoyah district;  
Cassie May Youngblood on page 100, No. 3959, Sequoyah district.

George W. Vann, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A George Vann, sometimes they call me George W. Vann.  
Q How old are you? A I am going on 67.  
Q What is your post office? A Benga.  
Q How long have you lived in the Cherokee Nation? A I came with the Cherokees here, sir.  
Q Is this woman here your daughter? A Yes, sir.  
Q What was her mother's name? A Verolisa.  
Q Your daughter has been married, has she? A Yes, sir, tw co.  
Q What was the name of her first husband? A Buelan Hill.  
Q And her second husband? A Frank Youngblood.  
Q And then she has a daughter, Sarah Howell? A Yes, sir.  
Q Is that daughter the child of the first marriage? A Yes, sir.  
Q That daughter has been married? A Yes, sir, married John Howell, but they have parted tw or three years ago.  
Q She has no children? A No, sir.  
Q And she is not living with her husband now? A Yes, sir.  
Q She is known as Sarah Annie Hill? A Yes, sir.  
Q Now in this marriage to Youngblood, do you know whether he got out a Cherokee license? A He got a United States license.  
Q Went to Muskogee and got a license? A Yes, sir.  
Q So he has no ground to claim citizenship? A He is a state man.  
Q A state man and married under United States license? A Yes, sir.

Commissioner Breckinridge: The applicant applies for herself and six children. At the beginning she included another child, who is found to be of age and will be required to apply for itself. The applicant states that she has lived in the Cherokee Nation all her life, she is not identified on the roll of 1880, or upon the census roll of 1890. She is identified on the Kerns-Glifton roll. The change of name arising from marriage is established by her own and her father's testimony. Reference is made for the father's consideration of this case to the testimony in the application of her father, George W. Vann, Cherokee Freedmen Doubtful card No. 1118, and the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The oldest child for whom she makes application is now known as Sarah Ann Howell. This child is given as 20 years of

Mary W. Youngblood - 3.

age. She has been married, but has no children, and she is living with her mother, and the applicant is permitted to make application for her under these conditions. This child is of the first marriage, and her maiden name was Hill. She is not identified on the roll of 1896, but she is identified on the Kerns-Clifton roll, and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

Of the remaining children, one Pearlie Hill, a child also of the first marriage, is identified upon the Kerns-Clifton roll, but not upon the census roll of 1896. This child is living and will be listed for enrollment as a Cherokee Freedman on a doubtful card. The two children of the present marriage, Coralee and Cassie May Youngblood, are identified on the Kerns-Clifton roll, though with faulty and partial registration. They are living and will be listed for enrollment as Cherokee Freedmen upon a doubtful card. When the applicant supplies the Commission with proper certificates of the birth of the two youngest children, Richard and Washington Youngblood, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. The applicant makes no application for the enrollment of her husband. Her first husband is said to have been dead some 15 or 16 years, and she and her present husband are said to have married in 1893, but he is said to be a state man and to have married under a United States license.

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

*Bruce G. Jones*

Sworn to and subscribed before me this the 29th of April, 1901.

*C. M. Richardson*

Commissioner.

Supplemental Freed. D-115.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

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

Joseph F. Bowers, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A Joseph F. Bowers.

Q How old are you? A 62 years old.

Q What is your post-office? A Muldrow.

Q In what district do you live? A Sequoyah.

Examined by W.F. Hastings, Cherokee Representative-

Q Mr. Bowers, how long have you lived in Sequoyah District? A Thirty-three years last March, 1867.

Q Where did you locate when you first came there in '67? A On the bank of the river a short time.

Q On the bank of the Arkansas river? A Yes sir.

Q How far from Fort Smith? A Just opposite, across the river.

Q Where have you lived ever since? A Right in - well, I lived four miles above there in the bottoms for five years. I lived during that spring and summer and until fall about a half mile above the river in the bottoms on the Cherokee side.

Q Well, since that time, have you lived in about that same place?

A Yes, within twelve or thirteen miles of Fort Smith.

Q You have lived on the Cherokee side ever since? A Yes sir, Cherokee side ever since.

Q The first year after the war you lived nearer to Fort Smith than you live now? A Yes sir.

Q You live farther from Fort Smith now than you ever lived? A Yes sir.

Q What did you do the first years after the war? A '65 was the first after the war.

Q The first year after the war in the Cherokee Nation? A I farmed, and then there was a posse of deputy marshals and I was a deputy marshal in '65 and '66.

Q You kept a kind of boarding house or stage stand? A That was nine miles from Fort Smith on Fort Gibson and Fort Smith wagon road.

Q You were pretty well acquainted with the people around in that country? A Yes sir.

Q Well acquainted with them yet? A Yes sir.

Q I believe you are postmaster at Muldrow? A Yes sir; at Camp Creek eleven years.

Q How far is that from Fort Smith? A Nine miles west on the Cherokee side, on the wagon road to Fort Gibson and Muskogee, and I was postmaster at Muldrow under Harrison administration and under McKinley's administration four years.

Q You know this applicant, George W. Vann? A Yes sir.

Q Now, Mr. Bowers, how long have you known him? A About the first time I met him at the river opposite Fort Smith in '77 or '78; I don't remember what year; about that time.

Q Did you ever see or hear of him before that time? A No sir; I heard of him in the time of the Supton and Bakken campaign; that wasn't his name; they called him Reverend some one who made a speech at Fort Smith; I heard of him; that was the first time I saw him.

Q You hadn't heard him around in that section of the country? A No sir.

Q Where had you heard of him being before that? A I heard he come from Little Rock up there.

Q You never heard of his being over in the nation prior to that time? A No sir, I never heard of that.

Q You never saw him over there prior to that time? A No sir, I knew every man in the country at that time, thirty years ago, 20, 25 years ago, white men and black men and Indian.

Q You think you would be safe in saying he wasn't there? A If he had been there prior to '99 or '8, I certainly would have got acquainted with him.

Q Was the country poorly settled at that time? A No sir, there wasn't a dozen white men in that part of the country thirty years ago and very few people, and there were but few colored people there and they were Cherokee Freedmen, every one of them.

Q Were you present when R. Vann made his application before the Clifton Commission, five years ago? A Yes sir.

Q Do you remember whether he admitted that his name was George W. McKamy under oath or not? A He said his name was George W. Vann.

Q When he was asked the question whether he ever went by the name of George W. McKamy, did he state it or deny it? A He said that wasn't his name.

Q Do you remember whether he was asked at that time whether he ever lived in Little Rock or Argenta? A No, I don't remember.

Q Do you remember whether he was asked if he was ever in Chattanooga, Tennessee? A I remember that.

Q Did he admit or deny it? A I don't know what answer he made; I know he was asked that.

Examination by I.F. Pauls, Attorney for Applicant:  
Q You know whether or not George W. Vann was a Constable at Argenta, and that his name was George W. McKamy? A I don't know anything about that.

Q Now, you say that you lived in Fort Smith right after the war?  
A Yes sir, I worked for the government there in '22 '66 and part of '67.

Q And you lived there up until when? A Until '67; March, '67.  
Q That was the first time you ever lived in Fort Smith? A I was there in the war time as a soldier.

Q And then '67, where did you go? A To the Cherokee Nation.  
Q By the Arkansas River? A Right opposite Fort Smith.

Q And you have lived there how long? A Ever since.  
Q What are you doing down there? A Farming most of the time.  
Q Are you a citizen of the Cherokee Nation? A I was for a number of years and then I married a white woman. I claim citizenship yet.

Q But you were a citizen for a long time by adoption? A Yes sir.  
Q You say you knew every man down in that country? A I did 25 years ago.

Q Well, suppose a man worked down there for three or four months and then he got off and he worked around Fort Gibson or Choctaw Nation for some time, are you sure that you would know, you would be aware of that fact that he had worked there three or four months or a few weeks? A There didn't many people come there to work; I think I would have known him.

Q Then you undertake to say that every man that came there to work three or four months, you would have known him? A I think I would have known him.

Q Give me the names of some of them? A I couldn't give you no names; I don't know of any one coming down there. A colored man from the states wouldn't come over there. There were afraid to come there, it was too rough, too much trouble.

Q How long did it continue that way? A From '72 to '74, '8 or '9.

Q Well, you are speaking up until such, before that, up to when? A From '67 up to '75.

Q Then you undertake to swear here that you knew every man that lived in that country and knew every man that worked in that country? A Come pretty near knowing.

Q Whether there was a stranger come in that country they know him in a few days? A There were very few there at that time;

- there wasn't twenty white people in that country.
- Q If they come within ten miles of you and worked two weeks then you would have known him? A I couldn't say, yes; two weeks.
- Q Well a month? A I think so.
- Q Would you, keep track of them by putting their names on a book? A I would just remember; we had public workings at that time; people were poor, and they were horse racing, and people would congregate there.
- Q How far back thirty years ago, you can remember every man that lived there; the name of every man that lived there and worked there? A Yes sir, in that part of the country.
- Q About for forty miles? A I wouldn't say that; I knew every white man in Sequoyah District, Cherokees and what few white people that lived there.
- Q There weren't any poor niggers lived there? A I know every one within fifteen or twenty miles in that district? A I knew all the colored people in that district.
- Q Did you know all the little nigger children five or six years old? A No sir.
- Q How old did they have to be? A Just the grown people.
- Q How many years have you known George V. Vann? A I don't remember the year, between '77 and '78 the first time; I don't know what year it was. I met him out on the landing.
- Q Have you ever seen him before that? A No sir, never seen him before.
- Q Do you know of him buying any farms down there in 1879 or 1880? A I don't know; he settled down there in the bottom three or four miles from the landing. He settled there; I don't know whether he bought any. I was back in there once with a sheriff two or three times where he lived.
- Q Did you say you were a deputy marshal at Fort Smith? A I was deputy marshal of the United States Court.
- Q How long? A Five or six years.
- Q When was that? A I was one of the posse in '68 and '9 under a man named Kessler, and then I got a commission in '69 or '70; I had a commission until '75, I think it was, under the different marshals there. I had a special commission in 1868 from White; that was the first commission I had.
- Q Now, do you know anything about a farm that went by the name of the Sheppard farm that Vann bought in sixty some time? A I know the Sheppard farm; I don't know that he bought it.
- Q Will you swear that he didn't buy it? A It wasn't owned by anybody but the Sheppard's then. I think it was owned by some of the Bell's; I know the Sheppard place.
- Q You don't know about the fact that he bought that place in sixty some time? A I don't know. I was within a mile of the Sheppard's place. I never heard of him owning that place; he lived three or four miles in the bottom.
- Q You are living at Muldrow now, are you? A Yes sir.
- Q You know who owns that Sheppard farm now? A I believe it belongs to Payne Brothers, I think it does; I am not certain.
- Q Who did they buy it from? A I don't know.
- Q Don't you know they bought it from George V. Vann? A No sir, I don't know that; they bought a place further back before that they bought from him; I know they got one place from him; they bought it back from Sheppard.
- Q I understand that you swear that at that time for years and years you knew every nigger in that country down there? A In that bottom I did.
- Q No matter whether he only stayed a month or two? A There wasn't any stray darkies come over; they were afraid, you couldn't hire them to come over; you couldn't hire a white man to come over there.
- Q Were they afraid of you? A No sir.
- Q Did you ever kill any of them? A No sir.

Joseph Bruner, being sworn and examined by Commissioner Freckinridge, testified as follows:

- Q Give your full name? A Joseph Bruner.
- Q How old are you? A I am going on 65.
- Q What is your post-office? A Henge.
- Q In what district do you live? A Sequoyah.
- Examined by W. V. Hastings, Cherokee Representative-
- Q r. Bruner, when you were first old enough to remember where did you reside? A In Canadian District.
- Q With whom did you live then? A Joe Vann and his wife Jennie.
- Q Joe Vann? A Yes sir.
- Q Is he the same Joe Vann that was known as Rich Joe Vann? A Yes sir.
- Q The one that was blown up on the steambote? A Yes, sir, blown up on the steabont.
- Q Did he have a son named Jim Vann? A Yes sir, the oldest child.
- Q Did you know the family well? A Yes sir, all of them.
- Q Were some of the rest of Joe Vann's children? A John, Mary, Webster, Jane and Dee and Henry was one woman's children; that was Jennie's children.
- Q Do you know Jim Vann well? A Yes sir.
- Q Did he have a wife? A Yes sir.
- Q What was her name? A Arzinta Ross.
- Q Did they have children? A Yes sir.
- Q What was their names? A Fanny Vann.
- Q Who did she marry? A Florein Lash.
- Q Tins merchant here in town? A Yes sir.
- Q You knew the family well? A Yes sir.
- Q Did you know the colored people that belonged to the Vann family? A Yes sir; that is I knew they went off the place the time the slaves was divided, and I knew three that was turned over to them, a man and his wife and a nurse girl of Ross.
- Q Did old Joe Vann have a slave by the name of George Vann? A Yes sir, he had one by the name of George.
- Q Now, did he have more than one by the name of George? A Not more than one.
- Q Now, I believe you say you knew Joe Vann when he died? A I did.
- Q To whom did this slave George descend? A Delilah Vann when the slaves was divided; she drew him.
- Q Do you know what Delilah Vann's name is now? A She married Perry Brewer.
- Q She is alive now in Canadian District? A Yes sir.
- Q Did Jim Vann have a slave by the name of George Vann after his father's death? A Not that I ever knew or seen of.
- Q Now, what became of this George Vann that once belonged to old Joe Vann and descended to Delilah Vann now Brewer? A He got drowned at Fort Scott; I pulled him out of the river with a hook; I was the first man that put his hand on him; he is buried on the side of the Kanawha River.
- Q Where was that? A Near Fort Scott. That was along in the spring of '55, if I am not mistaken.
- Q During the war? A Yes sir, during the war. He had been to see his wife, Delilah Whitmore; she lived on Mill Creek.
- Q You knew his wife? A Yes sir.
- Q Did this George Vann have a brother named Daniel Vann? A Yes sir, and one child named Jim.
- Q Did you know Ben Johnson that used to live near Fort Smith? A I knew him.
- Q Did you know his children? A Yes sir.
- Q Did you know his slaves? A I knew all the young boys and one man they called Jess and a woman they call Dennis Bean's mother now.
- Q Do you remember her name? A Eliza.
- Q Was she one of Ben Johnson's slaves? A Yes sir.
- Q Is she alive? A Yes sir.
- Q Where does she live? A On the edge of the prairie in Sequoyah.

- Q Do you know this applicant who goes by the name of George Vann?  
A Yes sir.  
Q How long have you known him? A Right at fifteen years; maybe a little over.  
Q Did you know him before the war? A No sir.  
Q Did he at the time of Joe Vann's death belong to him? A No sir.  
Q Did he belong to Jim Vann before the war? A No sir.  
Q Was he in the custody or working for Ben Johnson before?  
A I never saw him on Ben Johnson's place.  
Q You knew Jim Vann's colored people? A No sir, he didn't belong to Jim Vann; I know them.  
Q You know whether or not Jim Vann ever lived in Port Gibson here before the war? A No sir, he never lived here.  
Q Where did he live? A Tatters Falls and Park Hill in Canadian District.  
Q Tatters Falls is below here? A Yes sir.  
Q And Park Hill near Tallapoosa? A Yes sir.

Examined by J.P. Pauls, Attorney for Applicant:

- Q You say you knew old Joe Vann who was blown up on the steamboat?  
A Yes sir, that was my master from Tennessee.  
Q He was a rich man, was he? A Yes sir, so called.  
Q He had from two to four hundred slaves? A No sir, never was asserted that way.  
Q Can you tell us exactly how many slaves he had? A No sir, not exactly.  
Q Can you swear positively that he didn't have two hundred slaves at least? A Yes sir, and only the truth.  
Q Did you count them? A No sir, I never counted them.  
Q How do you know? A I knew the families of the old folks.  
Q Well, he had over one hundred slaves? A Yes, he had over a hundred.  
Q And may be two hundred? A No sir, I want to say two hundred.  
Q You can't swear he didn't have two hundred? A He didn't have two hundred.  
Q Did he have 175? A He never had in the neighborhood of 175, back this side of it.  
Q Can you swear he didn't have 175? A I knew the families.  
Q I didn't ask you that, didn't Joe Vann own 175? A He might have had; he had two places. I would rather think he didn't have them.  
Q But you will safely say he had 125 or 150? A I would safely say 150 or a great deal smaller.  
Q And he had two places did he? A Yes sir.  
Q How far were they apart? A Between three and two and a half miles apart.  
Q Your name is Joe? A Yes sir.  
Q Did he only have one man by the name of Joe, or did he have several Joes? A He had several Joes; I know them all.  
Q Name them over? A One an African man was named Joe.  
Q Joe what? A Joe Vann they might have called him; that is the slaves went by the master's name.  
Q Go on? A And then he had a grandson by the name of Joe, Butty's son, and myself.  
Q Just the three? A Yes sir.  
Q How many Johns did he have? A One John.  
Q Just the one John? A Yes sir, just one John.  
Q Are you sure? A There was a John and a Johnson.  
Q Only one John? A Yes sir, only one John; his son John and a colored man John.  
Q There were two? A One John as a slave.  
Q How many Bens did he have? A Two Bens.  
Q How many Henrys? A He had two Henrys with his son his child.  
Q Then he only had one Butty? A Yes sir, that is all I ever saw.  
Q How many Bills of Williams did he have? A He had one.  
Q Just the one? Can you swear that? A Of course, I am swearing to that.

Q How you got three Joes, one John, two Sams and one Henry, and one William? A Yes sir.

Q That is eight? A Yes sir.

Q Give me the names of all the others he had? A I told you I could tell the families; but as for the others, I could tell the families.

Q Can you give me the names of any others he owned? A Yes sir.

Q How many can you give me? A I expect I can give you fifteen or twenty of the old folks.

Q Can't you give me any more than fifteen or twenty? A I can give you the heads of the families.

Q Well, now, they had three Joes and only one George, you will swear to that? A Yes sir.

Q Out of 150, he only had one George? A That is all the George he ever had on the place.

Q Are you sure of that? A That is all.

Q On both places? A He never had any George on Polly's place.

Q You know Sheep George? A Never was there.

Q Wasn't he called Horse George? A He was a race rider; they called him George.

Q Didn't you know Hog George? A He wasn't there; I never heard it.

Q Did you know Sheep John? A I never saw Sheep John; I knowed him, but he wasn't there.

Q How many Jims were there? A There were two Jims.

Q And there any Dicks? A Yes, there was one Dick there.

Q Just the one? A That is all I know; that was a nickname.

Q And this George Varn that you know was drowned? A He was drowned.

Q And you pulled him out? A Yes sir.

Q Did you see him go in? A I didn't see him go in the river; I pulled him out. I was out at the Diamond Hotel working as a porter and they told me he was drowned.

Q And you buried him six feet under the ground? A I don't know; I never measured the distance; I know he ~~was~~ is buried.

Q Now, your citizenship is disputed, isn't it? A That's what they said it was.

Q Your name is not on the 1880 roll? A No sir.

Q But you claim it ought to have been? A It ought to be on all the rolls.

Q You are trying to get on the rolls now? A That's what I come here for.

Q Well now, you were arrested down here at Fort Smith for peddling whiskey or having whiskey? A Of course, I was; I don't deny that.

Q On the Bank of the River? A I wasn't arrested on the bank of the river.

Q Well, where? A If anybody knows where, let them say.

Q I have a right to ask you where? A On the Sand bar.

Q Who was with you? A By myself.

Q Wasn't there a George Varn with you when you were arrested? A No sir, George is dead and buried down there at Fort Scott.

Q Well, you went out on a scout didn't you, you went away after your arrest? A I stayed around, from the territory back and forward; I went to Kansas.

Q Stayed five or six years in Kansas? A No sir, I didn't.

Q Wasn't that the reason they wouldn't enroll you? A No sir, they enrolled me before- I was enrolled before Wallace; that was the first chance the people had to be enrolled by; Wallace enrolled me.

Q You broke jail at that time? A Yes sir, I got out of jail.

Q At Van Buren? A Yes sir.

Q They never did get you again? A I come to the nation, they never did get me on the whiskey.



- Q They let you go? A Yes sir.  
Q You were arrested again, weren't you? A Where at?  
Q Not long ago? A Yes sir.  
Q And you were charged with perjury? A Yes sir.  
Q Tried before the Commissioner: the Commissioner had an investigation over it? A Yes sir, at Sallisaw.  
Q And you were sent to Muskogee to await the action of the grand jury at Wagone? A Yes sir, they turned me loose.  
Q And the grand jury ignored the bill? A They turned me loose; I don't know what they done.  
Q You swore you were a witness in the trial of Aleck Martin charged with murder? A Yes sir.  
Q And you swore that Aleck Martin was at home the night of the murder? A Yes sir.  
Q And that was the reason they had you charged in the trial with perjury? A Yes sir.  
Q And that is the reason they convicted you? A No sir, they didn't.  
Q How is it that your name is Joe Bruner and not Joe Varn?  
A Joe Bruner is my father and Joe Varn is not my father.  
Q Is your name Joe Bright? A No sir.  
Q Did you ever go by that name? A I taken my father's name; he is a Creek darkey.

Examined by W.W. Hastings, Cherokee Representative:

- Q I believe you say the grand jury discharged you on the perjury charge? A I never went before them; they came to the door and told me to go on home.

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

(signed) E.G. Rothenberger.  
Subscribed and sworn to before me this 30th day of April, 1901.  
(signed) C.R. Brockinridge,  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, et al as Cherokee Freedmen.

Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name please? A Joseph Bruner.
- Q You were examined this forenoon in the George W. Vann case?
- A Yes sir.
- Q You stated that you had belonged to Joseph Vann, the one who is stated to have been blown up in a steamboat? A Yes sir.
- Q That's the Joseph Vann that was blown up in a steamboat on the Mississippi River? A They tell me it was Louisville, Kentucky.
- Q It was off east there some place? A Yes sir.
- Q Then when that Joseph Vann died you belonged to a son of his?
- A No sir, his family.
- Q He had a son named Jim? A Yes sir, oldest child.
- Q And you were personally acquainted with all the slaves that lived on the plantation there, that belonged to Joseph Vann?
- A The old heads I was, and a good many of the children.
- Q But you knew all the grown up men and women that had families?
- A Yes sir.
- Q Now you testified this forenoon that the Joe Vann family did not own any slave named George except one who was drowned by up here opposite Ft. Scott? A Yes sir.
- Q But I believe the question wasn't asked you directly as to whether you knew this applicant here, who calls himself George Vann, did you know him by any other name? A Yes sir.
- Q Did you know this man here, George Vann, who calls himself George Vann? A I know him now.
- Q But did you ever know him before the war? A I never knowed him before the war.
- Q You never knew him as being a slave of the Joe Vann family under any name? A Not any name, no name whatever.
- Q When did you first know him? A 15 years ago.
- Q That was the first knowledge you had of this individual under any name at all? A Yes sir, I called his attention to me; I come out of Orfendorfer's store, and I says, parson, and he stopped and looked around; says I: your name is Parson Vann? A He says, Yes. I says, what Vann did you belong to, and he says, I belonged to Joe Vann, that big Indian that owned the Lucy Walker steamboat.
- Q I says I am by the steck of Vann negress and says I don't recollect you, and says that certainly I did, and turns around deliberately and walks away from me and I had no more questions.
- Examined by attorney for applicant, J.F. Faulds:
- Q Your understanding is that this steamboat was blown up at Louisville, Kentucky? A Yes sir, that's what I always understood.
- Q Not on the upper Mississippi? A I don't know whether it was on the upper or where it was; I have never been there.
- Q That's your understanding, that it was Louisville, Kentucky? A Yes, sir.
- Q You fell to Jim Vann? A I never fell to Jim Vann.
- Q Then you never was a slave of Jim Vann? A I was of the family; he was a son of Joe Vann; I was of the family.
- Q When Joe Vann died were all the slaves divided up among his children? A Slaves were divided up, but it was four or five years after.
- Q Who were you given to? A Sallie Vann droned me.
- Q Where does she live? A There below Brigg's place, below the mouth of the Illinois. It was called the old Brigg's place.
- Q How far below the mouth? A It might have been mile and a half.

- Q That's where Sallie Vann lived? A With her mother.
- Q She was your owner? A She wasn't owner.
- Q How many slaves did she own? A She had me and old man Joe and his wife and Jesse and Sallie, Jeff, Lydia, and one that they called Angelina, for her part.
- Q And you never did belong to Jim Vann? A I belonged to him before the estate was divided.
- Q You were never his individual nigger? A I never was; only just with his father; I called him Marse Jim of course; he was Joe Vann's child and everything of that kind, but as for personally belonging to him I belonged just as much to one as the other.
- Q Did Dayfield get some of these same negroes? A Yes sir, a good lot of them.
- Q You know how many? A He got Patty and Lucinda with their four children, and there was John Marnage and him both got some of the darkies, and there was a Pat, Phillis' daughter, she went away.
- Q Well, how long did Jim Vann live after there was a division of the darkies, the slaves? A He lived until the Rebellion here.
- Q How long before that were the slaves divided? A Between four and five years after Joe Vann's decease the slaves were divided.
- Q That was how many years before Jim Vann's decease the slaves were divided? A (No reply).
- Q When did Jim Vann die? A Died time of the war; he died in Kansas.
- Q Have you got any idea now as to how many years it was before Jim Vann died that these slaves were divided, six or seven years? A Longer than that.
- Q Ten years? A Before he died?
- Q Yes. A When the slaves was divided it was about in '46 or '47 maybe 8, along in there when the slaves was divided; I am pretty positive of that.
- Q That would be about 25 years before the war began? A Jim Vann died during the war, it must have been 16 or 17 years before Jim Vann died that the slaves were divided? A They was divided directly after these two high waters.
- Q About how old were you then? A I might have been eight or nine years old when the slaves were divided.
- Q It must have puzzled your brain to keep track of these negroes during all this time? A I was a little boy and had nothing to do, and Jim Vann was able to feed me and I had been knowing them all.
- Q That's all you know, the little ones? A And the old ones.
- Q You were only eight or nine years of age when the slaves were divided? A I might have been that age; might have been older.
- Q You might have been six or seven? A I think I was about seven years old when the boat blew up I think I was older than that when the slaves were divided.
- Q You told me awhile ago that the slaves were divided up about five years after Joe Vann died? A Well of course.
- Q Well if you were six or seven years old, that would make you about 12? A Well, I said, I might have been; I was there all the time; went around with him in the horse lots and all those, - my mother was a cook with him and I certainly did know.
- Q How old were you when Joe Vann came to this country? A When Joe Vann came to this country I come on the keel boat with him; my mother was his cook with him, and I come on the keel boat; I was walking when I come to this country.
- Q Just able to walk? A I haven't got any great recollection about that, but I was walking.
- Q Three or four years old? A I would be ashamed of myself if it took me three or four years to walk.
- Q You remember when you first walked? A No, I don't.
- Q Didn't you come on the steamboat? A No, I didn't.
- Q How did you come? A I come on Vann's boat, but it was a keel boat.
- Q Well then, how many people were these slaves divided among in 1846? A I never counted them, how many there was; I never heard

it asserted how many there was; I know how many children drew.  
Q And all the names of the children? A Dave Vann and Sallie and William and Sophie and Johnson; then was Polly's children.  
Jim, Johnnie, Delila, Henry; then was Jennie's children that was living.

Q Nobody else got any slaves except those you have mentioned?  
A Yes sir, negro traders come and bought some.

Q I am not talking about the slaves he sold, but the slaves that were divided among Joe Vann's heirs? A Their mother's drew.

Q Whose mothers? A Their children's mothers.

Q I say you have mentioned all of them that got a share of the slaves? A Yes sir.

Q And you have kept track ever since 1840 of all the slaves that every one of these heirs drew? A I never kept no track of it, but I know.

Q Tell you must have kept track of it if you know? A I can recollect what children drew darkies on the place; I was living.

Q 125 or 150 of them? A Jim Vann himself got considerable of some and of them darkies before the estate was divided, and when the estate was divided he was in California, but he drew a child's part.

Q Jim Vann was pretty much in debt? A Joe Vann was, so they said, but Jim wasn't.

Q Didn't Jim drink? A Yes sir.

Q He was always pretty hard up? A I don't know that.

Q Didn't he ever hire his negroes out? A I one that I know of; when he got hold of them he carried them off and sold them.

Q Didn't hire any one? A Not that I know of.

Q You would know? A Of course I would; he never hired none at all.

Q And none of the other children hired them out? A Not before they was divided.

Q Well, after they was divided? A I never kept track of them, I was off with Sallie after she married Vough; she staid at her mother's until she married Vough.

Q You just kept track of Joe Vann's slaves? A I knew what Jim had when I left the family.

Q Why don't you know what the others had? A They had their slaves.

Q How is it you know how many Jim Vann had, if you don't know how many Jim Vann had? A I tell you I know how many they had, just like I know what my mistress had me at the time.

Q You know how they were divided, what this one got and what that one got; you have remembered it ever since? A I was in the country and saw the whole thing; I know who divided them.

Q How many of these slaves can you name over now of all these slaves, 125, 150 or maybe 200? A I can name over a good many of them.

Objection by Cherokee Representative, James S. Davenport, on ground that all of this has been gone over.

Q There were all the slaves when the boat was blown up? A Every one was on the place except 10 or 11, that were with Joe Vann.

Q And they were blown up? A They were blown up on the boat with Joe Vann; there were not any of them hired out.

Q Where was his race horses then? A They were there on the place, what were not dead.

Q Tell now, you were a slave yourself, and you ought to know what was usually done in those days; wasn't it a thing of frequent occurrence for an owner to hire out his slaves? Wasn't it customary there for them to hire out their slaves? A I don't know, what it was with the other people, but it wasn't with Joe Vann.

Q You don't know anything about any other people but Joe Vann?  
A I know other people.

Q How much are you getting to testify to-day? A

Attorneys for the Cherokee Nation object to the question.  
Cox's Breckinridge, to Cherokee Representative, W. H. Hastings:

Mr. Hastings; state what fees you are giving here every day? Hastings: Two dollars a day and mileage. That two dollars a day is discounted.

Examination of witness continued by attorney J.P. Paul's:

Q You are getting two dollars a day here as a witness, and your expenses- and your mileage; you get mileage there and back and two dollars a day, that's it? A I suppose so; it has never been told me.

HARTWELL W. HOUSTON, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Hartwell W. Houston.

Q How old are you? A I am 67 years old.

Q What is your post-office? A Fort Smith, Arkansas.

Q Do you live in Ft. Smith? Or in the Cherokee Nation? A I live in the Cherokee Nation half of the time or over half of the time, but I am an old soldier and I have to be somewhere where I can work at my trade, and I stay there while I am on business, backwards and forwards.

Q How long since you first came to the Cherokee Nation? A I came to the Cherokee Nation about 1860.

Q How long did you stay in the Cherokee Nation at that time? A I staid here about six months, I reckon.

Q And then when did you return to the Cherokee Nation again? A I didn't come to it no more then until about '36.

Q And how long did you stay in the Cherokee Nation then? A I staid one place and another over a year.

Q Are then when did you come back to the Cherokee Nation again? A I come back then again in about '76; I was here between that and that, but I didn't stay long; I was here two or three times during that, but you are asking for the time I staid any length of time; I just passed in and noticed my property and passed out, and about '76 I built here, that is I left money here then to build and clear up.

Examined by applicant's attorney, J.P. Paul's:

Q Where has your home been, your effects since 1836? A They were here; that is of course I had some of my wearing clothing away, and pretty well all of them, but I had some stock and I kept it here; I didn't have much more than wearing clothing outside of stock.

Q Do you know George W. Vann, this man here, the applicant?

A I guess I do.

Q When did you first know him? A I have known him about 50 odd year; his mother and my mother was sisters.

Q You are his cousin? A Yes sir.

Q Well now where did you first know him? A I first knew him in Tennessee.

Q When did you first know him here in the Indian Territory? A I knew him in 1865 I think it was I knew him here; well I think when

I was here in '60 I saw him, but I don't remember exactly where he was; whether he was sitting down doing anything or not, but he was loafing around, and I think he was on the boat sometimes; I guess I just merely saw him and didn't have much time to fool with him.

Q You know whether or not he was a slave, and if so, who owned him.

A If I understand it he was no slave; my learning about it so far as my knowledge got, he was kind of under a mortgage or something of that sort, guardian,- it was nearly like slavery in slave time, because I was pretty much in that fix myself.

Q Who mortgaged him? A I don't know.

Q Was it said that anybody had mortgaged him or was his guardian? A It was somebody before that, I can't recollect the name, I don't know; I heard it was from old Joe Vann or somebody he had mortgaged him off, put him under that loan for money or something of that sort.

Q When was that talk made? A That was made to me in '60 when I was here.

Q Did you ever hear his name mentioned in connection with Jim Vann, son of Joe Vann, at that time, in '60? A Yes sir.

Q What was it? A Jim Vann was the one he was under, and he was often with - I heard he hired his time, and he would run on the boats too.

Q You heard that at that time, in '60? A Yes sir, along then I heard it. That was when I failed to see him only just a very few times.

Q What part of the Cherokee Nation did you see him in here?

A Down here near Ft. Smith in Sequoyah District.

Q Then it was your undersnading and the general talk at that time that he was under contract of Jim Vann? A Yes sir, that's a fact, the way I heard it.

Examined by Cherokee Representative James S. Davenport:

Q Who did you hear say he was under contract of Jim Vann in 1860?

A Well I heard him say so.

Q Then what made you say awhile ago you didn't know much about where he was in '60? A I didn't; and tell you I don't know that yet; I said I didn't see him much that time; that's what I said.

Q When was it you heard him say he was under the control of Jim Vann in '60? A I heard him say it in '66.

Q Where were you when the war broke out? A I was in the state of Tennessee when the fight was in July.

Q In '31, when the war began? A I was in Tennessee

Q Were you living there at that time? A I didn't live nowhere much.

Q You had no family at that time? A No sir.

Q And you were over in Tennessee? A Yes sir.

Q Had been there for some time when the war broke out? A I went from here in '60.

Q And you had never lived here but a few days? A No sir.

Q Just been over here prospecting around? A No sir.

Q Where were you when the war closed? A I was in Nashville.

Tennessee, because I was mustered out in January; I was residing in Nashville in January, 1868.

Q Where were you when you enlisted in the army? A Murphrysboro, Tennessee.

Q And you mustered out at Nashville? A Yes sir.

Q And you then came to the Cherokee Nation? A I did.

Q What year did you come to the Cherokee Nation? A Fall of '66.

Q You have been living here? A No sir, I have been backwards and forwards.

Q You are not a freedman? A I was free myself.

Q Was you free before the war? A Yes sir.

Q And was living in the state of Tennessee? A Yes sir.

Q You are a cousin of George Vann's? A That's what's told me.

Q You know where George Vann was living when the war closed?

Q He was living here in the nation.

Q Do you know that of your own knowledge? A Yes sir, I know it.

Q You were in Tennessee when you were mustered out, how do you know that? A I came right here.

Q You were mustered out in '68, and came here then? A No sir, I was mustered out in '66.

Q What place was George living on when you came? A This side of Ft. Smith, about a mile and a half from the bridge.

Q George has lived there ever since? A No sir, he has moved further up this way.

Q Well has he lived continuously in Sequoyah District to your knowledge since '63? A Yes sir, to my knowledge he has been out at times.

Q How long has he been out at a time? A I don't know that he has been off any time but once to my knowledge he has been out about a year.

Q. You don't know where he was? A. No sir.  
 Q. You don't know what year that was? A. No, I do not.  
 Q. You know when George came back to the nation? A. Well I can't tell you; I can not tell you unless I tell you what I heard.  
 Q. I ask you what you know? A. I don't know.  
 Q. You know whether he ever lived in the state of Tennessee near Chattanooga or not? A. Yes sir, I am satisfied he lived there.

Examined by attorney J.T. Taulds:  
 Q. When was it he lived there? A. When I was a little fellow.  
 Q. That was long before the war? A. Yes sir.  
 Q. How old are you? A. I am 87 years old the 23rd day of this coming June; I was born the 23rd day of June, 1824, it's out on the books.

Q. You know when you first joined the army? A. Yes sir.  
 Q. You know what year it was? A. Yes sir, it was in '63, the 11th day of 10th day of September, '63, immediately after Rosecrans left Murphysboro to go south after General Bragg.

Q. Where did you live before that? A. In Tennessee.  
 Q. Where did you live before that; you know where you lived in '61? A. I tell you I was out here in '60, and I was back in '60.  
 Q. Came out to the Indian nation? A. Yes sir, I went here I don't think any over a year, anyway, and then I went back and then when I come again, that was in '60 and then I didn't come back, and I tell you, only just passed in and out between that and '65.

Q. What did you come here for in '60? A. Because my mother told me I had a right in the Cherokee Nation, and I know my grandfather John Brown was her father, and she always did tell me I had rights here.

Q. You were here in the Cherokee Nation in '60 and '61? A. In '60 well it may have been part of '61.

Q. You stayed you said here a year? A. Well, a year.

Q. Then you were here in '61? A. It may have been about the first of '61 when I went back; it was the first of '61 when I come, and I stayed here a year or a little over, and then went back and passed back again before '63, when I enlisted and then I was in the war and never got here no more until '65.

Q. It was '61 that you went into the army? A. Yes sir.

Q. Your mother was living in the Cherokee Nation at that time? A. No sir.

Q. Oh in Tennessee? A. Yes sir, in Tennessee; she has told me that if you search the rolls of '35 I think, along in September some time in '36, you will find Brown, had slaves, and he had six half-breed Cherokees and they were free.

Q. You are a free negro? A. I am a free negro and Indian together.

Examined by Cherokee Representative, James S. Davenport:

Q. Now when you came here in '60 you came here to set up and claim a right in the Cherokee Nation? A. Yes sir.

Q. What right did you set up to claim in '60; what did you claim as; as a Freedman or a Cherokee by blood? A. Well I didn't claim either one, for I didn't know anything about any such thing as that; I come because I was kin to the Indians and they told me I had a right and I come to take up land; I heard they used the land in common and I thought I could take up a piece where nobody was claiming and live there.

Q. Didn't you know what you claimed, what right, whether as a Cherokee by blood or a Freedman? A. No sir, I didn't know; I did not know what way I had to claim it.

Q. As a matter of fact you never came here in '60 to claim a right? A. Yes sir, I did.

Q. Then you must know what right you had to claim when you came? A. No sir, I didn't know.

Q. As a matter of fact you came here to claim as a white man didn't you? A. No, I didn't; I knew exactly what I was; I come to claim the land, that was my claim.

Q You were going to claim it whether you were a citizen by blood or a Freedman? A You want to find out what I claimed to be, Cherokee by blood or Freedman; well I knowed I was part negro and part Indian, according to what I had been taught; of course I didn't know enow what people taught me, and knowing that they said I had a right well I come to take that land and stay on it, until they see fit or I see fit to move to some other place, like the Indians done; of course, as I tell you, I learned I was part negro and part Indian.

Q You came to claim as a Cherokee by blood or Freedman you didn't care which? A As I tell you, I was claiming negro and Cherokee.

Q They told you you could get land in the Cherokee Nation claiming as a Freedman or Indian? A Yes sir.

Examined by Attorney J.F. Faulds:

Q When were you told that? You say somebody told you? A I didn't tell you somebody told me; my mother told me; she knowed how they did.

Witness returned, after being exoused:

Witness: I wish to correct a ny mistake I made.

Com'r Breckinridge:

Q You want to state just what you were in '60, is that the point? A Yes sir.

Q You were free in '60? A Yes sir.

Q And you were free before '60? A Yes sir.

Q And you never were a slave? A No sir.

Examined by Cherokee Representative, James S. Davenport:

Q What was your post-office in '60, in Tennessee? A I had no post-office; I didn't write any; I didn't have no writing to do.

Q By whom were you freed before the war; were your prents ever slaves? A They never was; neither one of them.

Q What place in Tennessee did your parents live? A They lived around Chattanooga.

Q Was their post-office at Chattanooga? A I do not know; I suppose it was; if they had any writing to do that it would have been; they didn't know any writing.

Examined by Commissioner Breckinridge:

Q Chattanooga your nearest town? A Yes sir.

Examined by Cherokee Representative, James S. Davenport:

Q In what way did you travel when you came to the Cherokee Nation in 1860? A I traveled on my feet and on a boat.

I. 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) I. D. Green.

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

(signed) T. B. Needles,

Commissioner.

Cherokee Freedmen D-115

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April 29, 1901.

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

Additional testimony.

Annie Green, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Annie Green.

Q How old are you? A I don't know my age exactly, but I think I am about 35 years old.

Q What is your post-office? A Briggs.

Q Have you lived in the Cherokee Nation all your life? A No, sir.



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

Q You want to give some testimony in the application of George W. Vann, do you? A Yes, sir.

By W. W. Hastings, attorney for Cherokee Nation: We summoned her here for that purpose.

Q You are married now? A Yes, sir.

Q What was your maiden name? A My maiden name was Annie Price.

Q Where were you born? A I don't know, sir where I was born.

Q When you were old enough to first remember, where did you then live? A At Little Rock, well, in Argenta then, but it is called North Little Rock now.

Q It is across the river? A Yes, sir, in Argenta.

Q How long did you live at Argenta? A I lived there up until 14 years ago.

Q Where you married there? A Yes, sir.

Q With whom did you live before you were married? A My mother.

Q What was your mother's name? A Sandy Warbrough.

Q What was your father's name? A Pose Price.

Q Is your father dead? A Yes, sir, that is what I was told, I haven't seen him.

Q You didn't know your father? A No, sir.

Q Your mother, is she living? A Yes, sir.

Q Where does she live now? A She lives in Argenta.

Q Where she used to live before you left there? A Yes, sir, right at the same place.

Q Do you know this colored man here, who goes by the name of George W. Vann, the applicant? A I got acquainted with that name 14 years ago by the name of Vann.

Q Do you know the man now? A Yes, sir.

Q I don't care about the name; you know the man, do you? A Yes, sir, I know the man.

Q How long have you known him? A Ever since I can recollect.

Q Mrs. Green, where did you know him? A In Argenta.

Q What name did he go by there? A George McKamy.

Q Did he live there? A Yes, sir.

Q How far did you live from him? A Well, about the space of this building; I reckon, might have been a little over.

Q Was there a house between your house and his? A No, sir, there was a vacant lot.

Q Some vacant lots of about this distance? A Yes, sir, might have been a little larger, and might not have been as such, but that is as near as I recollect.

Q It was a short distance of vacant space between your house and his; his house was the next house? A Yes, sir.

Q He was living there when you can first remember? A Yes, sir.

Q And you were living there when you can first remember, although you don't know where you were born? A No, sir.

Q Do you know this man, the applicant's, family? A Yes, sir.

Q Did he have a wife there? A Yes, sir.

Q What was her name? A Mary Jane.

Q He had some children did he? A Yes, sir.

Mr. J. F. Faulstich, attorney for applicant: If you have any other witnesses, I would ask that the rules be enforced.

Mr. Hastings: We might have some other witnesses on the stand, but not on this point, we might call A. Bowers and Brewer.

Commissioner: You two will go outside.

Questions by Mr. Hastings: Did you know his family well? A Yes, sir.

Q How long did you know the applicant George W. Vann, or George McKamy, when in Argenta, up until about when? A Well, as near as I can come at it, about two or three years, might have been three or four years, before I married, and I was married in 1879.

Q And you knew him from the time you can first remember up until a short time before you were married? A Yes, sir.

- Q Did he live there at that same place all this time? A Yes, sir, lived there till he left there.
- Q Lived there till he left there? A Yes, sir.
- Q Were you intimately acquainted with the family? A Yes, sir.
- Q What did the applicants, Mr. Vann or Mr. McKamy, do down there in Little Rock? A What, you mean his occupation?
- Q Yes, what was his occupation? A He was a Justice of the Peace, that is what they called it, I don't know what sort of office it is.
- Q He held that office? A Yes, sir.
- Q About how many years, Mr. Green, do you think you can be certain in saying you knew him? A Maybe about 25 years, or 26.
- Q About, I mean up until the time he left? A I don't know, I don't recollect how long it was.
- Q You mean now that you have known him for 25 or 26 years? A Yes, sir.
- Q I mean that you knew him in Arkansas; did you know him as much as ten years? A No, sir, I don't think I knew him that long.
- Q About how many years do you think you could be save in saying you knew him? A You mean before I left there?
- Q Before he left? A About ten years, yes I guess it was that long, maybe longer.
- Q And he lived you say, right near you in Argenta? A Yes, sir.
- Q You are certain this is the man? A Yes, sir, I know him.
- Q You have talked with him since you have moved to this country? A Yes, sir.
- Q What name did you address him by then? A Mr. McKamy.
- Q Did he acknowledge that that was his name? A No, sir, he denied his name.
- Q Said that wasn't his name? A Yes, sir.
- Q You know this is the same man here? A Yes, sir, that is the same man.
- Q No doubt about that? A No, sir, that is the same man.
- Q Did you know his children out there in Argenta? A Yes, sir.
- Q What was his oldest child named? A I think his oldest child was named Lewt, a boy.
- Q Did he have another one? A Yes, sir, Jim.
- Q Did he have another one? A Mary Jane.
- Q That a girl? A Yes, sir.
- Q Did he have any more children? A Yes, sir, he had one named Allie.
- Q Did he have any more? A One named Wash.
- Q You grew up with these children? A Yes, sir, went to school with them.
- Q You knew this old man intimately? A Yes, sir, of course I knew him, he has whipped me lots of times.
- Q And you have met here and talked with him since you have been in this country? A Yes, sir.
- Q You have known him since you have been here, have you? A Yes, sir.
- Q I believe you say that he lived there until some two or three years, to the best of your knowledge, before you were married, and you were married in 1879? A Yes, sir.
- Q You say that man as far back as you can remember was living there on the adjoining place near you in town? A Yes, sir.
- Q Is there a man by the name of Caldwell down at Fort Smith? A Yes, sir, Walter Caldwell.
- Q Did he know Vann? A Yes, sir.
- Q Is he a colored man or a white man? A He is a white man.
- Q Did he live there at the same time these people lived there? A Yes, sir.
- Q Did he live at Argenta I mean at the same time? A Yes, sir.
- Q This man is now in the drug business at Fort Smith? A Yes, sir.
- Q He will know and remember that about Vann too, will he? A Yes, sir.
- Q And your mother lived at the same place back there? A Yes, sir, at the same place.
- Q Mr. Fields: You say you are about 36 years of age? A Yes, sir, as near as I can recollect, I don't know my age exactly.

- Q Do you remember the war? A No, sir.
- Q How long have you lived in this country? A Nine years.
- Q What part of this nation have you been living in during the last nine years? A Lived at Braggs about 8 years and lived in Sequoyah three years.
- Q Where did you live before that? A Fort Smith.
- Q When did you go to Fort Smith to live? A About 1897 I believe;
- 1897 I believe that is when it was, I don't recollect.
- Q You want to live in Fort Smith in 1897? A Yes, sir, I think so.
- Q And how long did you live there? A I don't recollect, it has been 14 years from the time I came to Fort Smith till I moved here to Braggs; I never kept count of the years.
- Q Where did you live before the time you lived in Fort Smith? A Lived in Argenta.
- Q When did you leave Argenta? A I think it was '86 when I left Argenta, I think it was.
- Q Did you live in Argenta from the time you were born until 1886? A From the time I can recollect till 1886, yes, sir.
- Q You say you were married in 1879? A Yes, sir.
- Q Where did you go to then? A Stayed there.
- Q Stayed in Argenta? A Yes, sir.
- Q Do you know where you were in 1885? A In 1885 I guess I was in Argenta; in 1885 I guess I was in the Nation.
- Q What year is this? A This is 1901; in 1885 I was at Braggs; it was 1886, the payment, wasn't it.
- Commissioner: Do you mean 1885 or 1895? A I am speaking about the payment, I believe I lived at Braggs.
- Mr. Paulds: I asked you where you were living in 1885? A Now long has that been?
- Q Never mind; where were you living in 1885? A You seem to know dates pretty well? A In 1885 I was in Argenta, must have been.
- Q Was George W. Vann there then? A In Argenta, no, sir.
- Q Was he there in 1882? A Not as I know of.
- Q Was he there in 1866? A I don't know, I don't recollect what year it was a left there.
- Q Was he there in 1870? A I don't think he was there because he had left there.
- Q He had left there before 1870? A Yes, sir.
- Q Never came back again? A He came back for his family.
- Q Just came back for his family? A Yes, sir.
- Q And took them away? A No, sir, I don't think he taken his family with him, away and left his family and they gone away he came soon afterwards.
- Q And that was before 1870 wasn't it? A I don't know just what year he left there, I can't say what year he left there, because I don't recollect what year it was.
- Q You don't know when he left there? A No, sir, I don't know when he left there, because he ran off.
- Q You don't know when he came there? A No, sir, I never said I knew when he came there.
- Q He might have left there in 1865 for all you know? A He was there when I knew him.
- Q You can't say he was there in 1870? A I tell you I didn't keep account of it.
- Q You can't say he was there in 1872, can you? A He was there before I married.
- Q Can you say George W. Vann was living in Argenta in 1872? A I don't recollect, but I can point you the people can tell you what year he left there.
- Q I am not asking you about what other people say? A I know the year I married he was gone away from there a good while before I married, I never kept no account of it because I was a child and they didn't allow me to meddle with old peoples' business.
- Q You think you were married in 1879, do you? A Yes, sir.
- Q How old were you when you were married? A I guess I was about

14 years old they say.

Q You say that this George W. Vann that you knew over there was a Justice of the Peace? A I didn't know any Vann over there.

Q This man McKamy that you knew over there? A That is what he was, Justice of the Peace.

Q And he officiated there as a Justice of the Peace, acted as a justice of the Peace? A Yes, sir.

Q Tried cases? A Yes, sir, tried cases.

Q Were you ever tried before him? A No, sir.

Q Any of your kin people? A No, sir.

Q Where did he have his office? A Down on the river, near the Fort Smith bridge, the Fort Smith and Little Rock bridge is now.

Q Were you ever in this Court that he held as a Justice of the Peace? A No, sir.

Q Ever were there? A No, sir.

Q How long did he hold that position as Justice of the Peace? A I don't recollect how long he held it, I don't know.

Q Two months? A I don't know.

Q During all the time that he was there he held this position of Justice of the Peace? A I don't know whether he held that office all of the time he was there or not.

Q Do you know whether he was a constable there or not? A He had a constable named George Akins.

Q But he wasn't a constable? A No, sir, he tried people, his constable arrested them.

Q And he went from there a long, long time before you got married? A I don't know how long.

Q So long that you can't remember? A I don't know how long it was, it was a good while, I recollect when he left but I don't know what year it was.

Q It was a long while before you got married that he left there? A I don't know, two or three or three or four years.

Q Or ten years? A I don't know, I am not going to say it was ten years because I don't know.

Q And you don't know how long he lived there and acted as Justice of the Peace? A No, sir.

Q I've no idea? A No, sir.

Q Do you know what day of the month the 4th of July falls on? A What day of the month?

Q Yes. A It falls on the 4th.

Q Do you know what day of the month Christmas is on? A The 15th.

Mr. J.S. Davenport, attorney for Cherokee Nation: I think, if the Commission please, we should confine ourselves to the facts in this case, and I object to that manner of the testimony.

Commissioner: It is quite apparent that the witness remembers events not exactly by the almanac, but she remembers certain leading events and her method is, so long after certain leading events, and she is quite an intelligent witness in her way, but this is a method you are inquiring about that she evidently does not pursue in her system of recollection; that is not the method that she has shown here at all.

Q Is your husband still living? A The one I married in 1879, he is dead.

Q You have been married since that? A Yes, sir.

Q When were you married the second time? A In 1887.

Q Where were you married? A Fort Smith.

Q How long had you lived there before you were married this second time? A I had just moved there, came there and married.

Q What makes you think you are 36 years of age; is your name in the family bible? A No, sir, I said as near as I can come at it; I don't know my age exactly.

Q You don't know your age; that is what your mother told you I suppose? Did you say how old you were when you first married?

A I think I was 14 years old, going on 14.

Q Now what were you doing the first time you ever saw this man  
McHenry? A That was I don't know.

Q Yes. A Playing around the yard I guess.

Q Just a little bit of it? A Yes, sir, it was the first of my  
recollection about him; he knew me before I knew myself, but the  
first of my recollection I used to play with his children and go  
to his house and the children would get to fighting and he would whip  
us; I am not recollecting him from his whipping.

Q Sometimes he would take you on his knee? A Yes, sir lots of  
times, he took me across his lap and gave me a good whipping.

Q You parted there pretty good friends, didn't you? A Yes, sir,  
I am not any enemy of him now; I have got nothing against him.

Q Along about the time he left there he was in the habit of whipping  
you and putting you on his knee? A No, sir, he didn't play  
with us then.

Q That is all that he ever did there in Fort Smith, was to set as  
Justice of the Peace? A To my knowledge, that is all.

Q As long as you knew him there you understood that is what he did,  
acting as Justice of the Peace? A Yes, sir.

Q I mean Argenta, as long as you knew him there was filling  
this position? A Yes, sir.

Q You don't know how long he filled that position? A No, sir,  
I don't.

Mr. Hastings: I believe you stated that you came up to Fort Smith  
in about the year 1867? A Yes, sir.

Q You were married in about 1870? A Yes, sir.

Q Those are dates that you remember? A Yes, sir.

Q I believe you stated that you knew Mr. Vant from the time you  
can remember, within two or three years of your first marriage?  
A Yes, sir.

Q And that was in Argenta, Arkansas? A Yes, sir.

Mr. Pauls: You have already sworn that it was a long time before  
your first marriage that he left there and you saw him no more; are  
you going to take that back? A I didn't say I didn't see him; you  
didn't ask me did I see him, you asked me did I know him.

Mr. Hastings: Do you know his wife, Mary Jane's, mother?  
A Yes, sir.

Q What was her name? A Sallie.

Q Is she living down there? A Yes, sir.

Mr. Pauls: When did you first know this woman you have just spoken  
of? A Mary Jane's mother?

Q Yes, when did you first know her? A Ever since I can recollect  
her.

Q When is the last time you saw her? A It has been about 17 years.

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 30th of April 1901.  
(signed) T. B. Neagle  
Commissioner.

SUPPLEMENTAL TESTIMONY  
P. D-118.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT CIBOLA, P. D., APRIL 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the inheritance of  
GEORGE W. VANT, et al., as Cherokee Freedmen;  
HAROLDSON ABRAMSON appears as a witness in the case of  
George W. Vant, et al., P. D-118, present, George W. Vant and  
Attorney, and also the Attorney for the Cherokee Nation.  
Said Abramson being sworn was examined by Commissioner

C. P. Breckinridge; testified as follows:

Q What is your name? A Harrison Arbaugh.

Q How old are you? A I was born in '24.

Q What is your post office? A Muldrow.

EXAMINATION CONTINUED BY JOHN B. FAUBUS, Attorney for Applicants

Q Where have you lived since the war with the Confederacy? A I have lived principally in Crawford County, in the State of Arkansas.

Q How far would that be from Fort Smith? A It is called about 15 miles.

Q Have you ever lived in the Cherokee Nation? A Yes, sir.

Q Whereabouts? A I have been living in the Cherokee Nation a short time; I have only lived in there about 14 years.

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

Q When did you first know him? A Shortly after I was mustered out of the service; I was mustered out in the eastern part of Arkansas in the spring season and came that fall to Fort Smith to see my Ma, she lived in Fort Smith.

Q What year was that in? A That was in '66.

Q Did you see George Vann at that time, and if so, where?

A My mother lived in Fort Smith and I came to Fort Smith and there I saw him.

Q Do you know where he was living then? A He lived somewhere across the river in the Nation, I don't know where.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q In 1866? A In 1866.

Q Well, now, do you know where he has lived since 1866 up to the present time; has he lived in the Cherokee Nation? A He has been in the Cherokee Nation and in this Territory, one place and another, I could not tell where all; this is his home as far as I know.

Q You have seen him off and on during the whole of that time, have you? A Yes, sir.

Q Now, you were a non-commissioned officer in the army were not you?

A Yes, sir.

Q Did you hold some official position in Fort Smith? A I came there two or three times a deputy under officers, three or four times, four or five times.

Q You have been constable have you? A I have served under Deputy Sheriff.

Q How long? A Oh, just two or three times in the case of catching a bad fellow.

Q Do you know anything about George W. Vann being a Constable in Argenta, Arkansas, for a short time? A Well, About, a short time after the war, I went there, can't say, I am not going to say, but a short time after the war I went to see a soldier of mine that I served with in Little Rock and it was just about the time there was a big disturbance down there and about that time I saw George Vann and he was a Peace officer, something of this kind on this side of Argenta.

Q That was in the time of the Brooks and Baxter? A Yes, sir; there was a disturbance and they wanted me to sign and I would not do it.

BY W. W. HASTIERS, Cherokee Representative:

Q Where did you say you lived now? A Muldrow.

Q How long have you lived there? A I have lived there at Muldrow and near there 14 years.

Q Where did you come from when you came to Muldrow? A I came from Arkansas, Crawford County.

Q How long did you live in Crawford County? A I lived in Crawford County since the war.

Q In that the County west of Sebastian? A That is the County Van Buren is in.

Q North of Sebastian? A Yes, sir.

Q And about how far from Fort Smith did you live? A About 15 miles.

- Q You never saw George Vann until after the war? A I saw him a while ago in 1860.
- Q That was after the war? A Yes, sir, after I was mustered out.
- Q And you saw him in Fort Smith at that time? A I saw him in Fort Smith.
- Q Well, what were you doing there then? A As I aforesaid I a while ago I come to see my mother, she was in Fort Smith.
- Q Well, how long did you remain there at that time? A I remained there off and on six or seven days.
- Q You saw this George Vann at that time? A I saw him then.
- Q You recognized him now as the same fellow? A As the same George Vann.
- Q He went by the name of George Vann then? A He was George Vann then and has been ever since.
- Q And he always went by the name of Vann? A As far as I know.
- Q You saw him down at Argenta? A Yes, sir.
- Q He was Constable? A He was an officer.
- Q You recognized him then? A Yes, sir.
- Q He went then by the name of George Vann? A Yes, sir.
- Q All the time? A Yes, sir.
- Q You never heard of him going by any other name except George Vann? A Never did.
- Q How long did you see him in Argenta; how many days were you there? A I saw him several days; I saw him about twice or three times when I was there.
- Q How many days did you see him in 1860 when you were there on that trip to see your mother? A I could not tell you, I was here for six or seven days and I saw him off and on all the time when I was there.
- Q Is there anything to impress that upon your mind and make you remember seeing him at that time? A Well I suppose there would be the fact we drank together.
- Q He was not a preacher then? A Not that I know of.
- Q Didn't you know of his preaching out around the country? A (No response.)
- Q Did you hear of his preaching out on this side at that time? A Or about the second term of Judge Parker's jurisdiction in Fort Smith I was on the Grand Jury and Mr. George Vann come out of the Choctaw Nation somewhere, maybe from Scullville, with about five persons, he come there with the Marshalls.
- Q Well, tell about the preaching, did you hear about him preaching? A To Fort Smith; they had disturbed him somewhere where he was holding a protracted meeting and he was a witness against them there in the Court in regard to this trouble they had raised; he was holding a protracted meeting.
- Q You remember him in 1860, because you drank with him? A Yes, sir.
- Q Do you remember every fellow you drank with down there in Fort Smith? A That is too big a mouthful.
- Q Well, do you remember every one? A I could not tell you.
- Q That is the only thing that impresses it upon your mind that he was there at that time? A I was there and saw him.
- Q Did you never see him over here in the Nation until about 15 years ago, until you moved here? A I saw him over in Fort Smith, I would be in Fort Smith and I would see him cross there.
- Q Where would he cross? A At the bridge.
- Q You would see him get in the boat and come across; when did you see him do that? A I saw him doing that in 1860, and I have seen him doing that oft since.

BY JOHN T. FAYNES:

- Q You were a soldier during the war you see; now, were you at any time during the war at Fort Smith in the capacity of a soldier? A I enlisted at Fort Smith.
- Q Did you ever drink with him there in Fort Smith during the war, did he ever give you liquor or sell you liquor or anything of that kind that you remember? A I have a faint recollection of that, but

I won't swear it.

Q You know you drank with him there in 1869 shortly after you were mustered out? A I know that.

Q Now, when you saw him in Argenta, how many times did you see him there in Argenta? A Several times, when I was there.

Q He may have been going by the name of McKamy without you knowing it?

(Attorney for Cherokee Nation objects to this question.)

Q I will ask you this question, will you swear that he was not called McKamy?

(Attorney for Cherokee Nation objects to this question.)

A I don't know it, sir; if he went by any other name, sir, I don't know it.

BY W. W. HASTINGS:

Q You knew him by the name of Vann? A Yes, sir; he was in and out of the Nation to Fort Smith, and backwards and forwards.

W. W. HASTINGS: I want to introduce at this time the records of the Commission to the Five Civilized Tribes as shown in Docket "A", page 44, No. 257, containing the following:  
"George W. Vann, et al.,

vs.

Cherokee Nation. Filed September 7th, 1896. Answer filed. Application denied."

Reference is made to the application of George W. Vann in the case above referred to, No. 257.

GEORGE W. VANN, having been sworn, testified as follows:

EXAMINATION BY W. W. HASTINGS:

Q Have you a son by the name of Jones? A Yes, sir.  
Newton? A Yes, sir.

Q Daughter ofx by the name of Mary Jane? A Yes, sir.

Q One went by the name of John Jones? A No, sir; Jim Jones.

Q Are one by John too? A Yes, sir.

Q Are son by the name of Richard? A Yes, sir, that's my son.

Q Have you got a son by the name of John Vann? A Yes, sir.

Q Harrison? A Yes, sir.

Q And daughter by the name of Jane? A Yes, sir, Janie I call her.

BY COMMISSIONER BRICKWELL:

Q You made application to the Dawes Commission in 1896 in the case referred to for yourself and family? A I think I did, I won't be certain, it seems to me that I did in 1896.

Q 1893, four years ago? A Yes, sir; I think I did.

Q You were trying your rights as a Cherokee by blood? A Yes, sir.

Q Who were your lawyers? A Seems to me like J.P. Bullena, I won't be sure; that is my recollection.

BY JOHN F. FAULDS:

Q Now, Mr. Vann, you applied to be enrolled before the Kerns-Clifton Commission? A Yes, sir, was enrolled.

Q Now, at the trial of your application at that time did they, did the Cherokee Nation by their attorneys plead that your case had already been disposed of in 1878 on an application by you before the Chambers Court? A Yes, sir.

Q What I want to know, Mr. Vann, is this: if they didn't plead before this Kern-Clifton Commission that you had already applied before this Chambers Commission, you understand away back in '78 or '80, and that you had been denied citizenship? A He (referring to W. W. Hastings) pled that.

Q And the case was tried? A Yes, sir.

Q And the case was decided in your favor? A Yes, sir.

Q And you were enrolled? A Yes, sir.

Q And you were enrolled? A Yes sir, please the money.

JOHN F. FAULDS: Now come the Defendant, George W. Vann by his Attorney, J.F. Faulds, and enters a plea of ass adjudicate in this case, on the ground that the matter was fully gone into before the Kerns-Clifton Commission and the Cherokee Nation there pleaded that George W. Vann had, in 1878, appeared before the Chambers Commission to apply for citizenship



as a Cherokee Freedman and had been denied, and the Defendant says that this issue was settled by the Kerns-Clifton Commission in his favor and that said decision now becomes res adjudicata and said decision of the Kerns-Clifton Commission now becomes res adjudicata.

W. W. HASTINGS: Comes now the Cherokee Nation by its Attorneys and moves the Commission to enter judgment against the applicant, George W. Vann, for the reason that the records on file in the office of the Commission to the Five Civilized Tribes herein before referred to show that the said George W. Vann, for himself and family, applied to the Dawes Commission on September 5th 1896, and the records show that said application was rejected; in every particular, and that said judgment was the last judgment that has been rendered in this case, which was under the Act of June 10th 1896, and that the Commission had jurisdiction over said case and that inasmuch as no appeal was taken from the decision of the Commission that said decision of the Commission was final against the said George W. Vann and family and in favor of the Cherokee Nation.

COM'R BRECKINRIDGE: It has been claimed so far that the record of the Commission in the proceeding of 1896 related to an Application made by George W. Vann for himself and family for admission to Cherokee citizenship as Cherokees by blood.

GEORGE W. VANN, re-called, further testified:  
BY COMMISSIONER BRECKINRIDGE:

- Q. You claimed to have Cherokee blood in you as a matter of fact did you? A. Yes, sir my mother is half negro and Cherokee.
- Q. Hartwell Houston and my mother are sisters; I am Cherokee by blood.
- Q. Your mother was half negro and half Cherokee? A. Yes, sir.
- Q. What was her mother? A. Her mother was a negro woman and her Master was John Brown, was her daddy, my grand-daddy, full blooded negro.
- Q. Was your mother a slave or free woman? A. No, sir, she was a free woman; after her Master set her free two children was born that was my mother and Hartwell Houston.
- Q. Your mother was free from a child? A. Yes, sir.
- Q. And lived and died a free woman? A. She had to take old Joe Vann for a Master or put me up on the block to sell and she acknowledged him and they taken jurisdiction over me just like any other negro.
- Q. Your mother was free born? A. Yes, sir; that is how come me to apply as a free negro; they would not give it to me and I went back and they just made me to like these other negroes.
- Q. You were born in Tennessee, were you? A. Yes, sir.
- Q. And when you left Tennessee you came to the Indian Territory?
- A. Came right here with the Indians in '36
- Q. So that all your life you claim two homes, one first in Tennessee and one afterwards in the Cherokee Nation, is that right?
- A. Yes, sir.

BY JOHN E. FAULDS:

- Q. What was the color of your father? A. My father was full blood African, Joshua McKamy told me that he come over here and mother was in Virginia and stayed here.
- Q. Now, what part of you is Indian blood? A. From my mother.
- Q. She was half negro and half Cherokee Indian? A. Yes, sir.

BY COMMISSIONER BRECKINRIDGE:

- Q. Your father was a slave was he? A. No, sir; he came over here him and my grandfather on my father's side and six of them was stole and brought over here and they would not work; they said they would, well my father he didn't work, and he would not do it and he went back to Africa.

Q How old were you when your father went back to Africa?  
A About 15, I know well when he kissed me and my mother.

BY JOHN F. FAULDS:

Q Is there any white blood in you? A No, sir, there is Indian and negro.

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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 4th day of May, 1901.

(signed) C. R. Breckinridge,  
Commissioner.

D-115

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T. April 30, 1901.

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

Supplemental testimony.

Appearances:

For applicant: John F. Faulds, Esq.;

For Nation: W. W. Hastings and James S. Davenport:

Mr. Hastings: Let the record show that this witness is summoned on the part of the applicant, George W. Vann.

Mr. Faulds: This witness is recalled for the purpose of being cross examined on the part of the defendant; the witness is the witness for the Cherokee Nation; there is no question about that at all, that she can be called for cross examination with the permission of the Commission.

Annie Green, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Mrs. Green, you have made application yourself to be enrolled as a Cherokee Freedman, haven't you? A Yes, sir.

Q When did you make that application? A The time that census was taken that year.

Q That was some three or four years ago? A Yes, sir.

Q What did you claim to be at that time? A My name was Annie Price.

Q Did you claim as a Freedman or as an Indian by blood? A I claimed it by my daddy.

Q Who was that? A Nose Price.

Q I will ask you if you didn't swear when you applied for enrollment that your father was Dan Roach, this old man on the 'hind seat? A No, sir, never did.

Q I will ask you if you didn't swear when you applied for enrollment at that time that you had continuously resided in the Cherokee Nation at that time ever since you were born? A No, sir, I said this I said I was here in and out, and I went where I could get the best wages.

Q And didn't you swear that you had made this your home ever since you were born? A No, sir, I didn't.

Q You swore here yesterday that you had lived in Argenta nearly all your life? A Yes, sir, I said I had lived in Argenta.

Q Did you swear when you applied for enrollment that you had made the Cherokee Nation your home? A No, sir, I didn't, not altogether.

Q And didn't you go back after that and swear that your father was an Indian then? A I swore he was an Indian then, I saw that yet.

Q And you afterwards swore that your father was Dan Roach? A No, sir, I didn't, no, sir, never did.

Q Now you swore yesterday that you were married the first time in 1879? A Yes, sir, I was.

Q And you swear it now? A Yes, sir I do

Q I will ask you if you were not living in Argenta, Arkansas, somewhere in 1875 or 1876 and that you were married at that time and living with your husband? A I wasn't married till 1879.

Q You were living at that time with a man and holding him out as your husband? A No, sir, never lived with a man a day in my life until I married.

Q I will ask you if this man that I refer to wasn't shot through the door? A Are you trying me for the crime, or old man Vann; that is what I want to know? A If you will ask me anything proper I will answer that; that is all over with and I don't think it is called for.

Q You were charged with having murdered your husband? A Yes, sir, I murdered him in self defense and I was tried for it and I was acquitted by the Court.

Q But at the same time when you shot him you were in the room with your paramour; with another man? A No, sir.

Q You were in the room and he came there to see what you were doing and asked you to let him in and you wouldn't do it and you shot him through the door? A No, sir, that is not correct; they have got the record of it right there in Little Rock, and it don't claim any such thing.

Q Well, you shot him and killed him through the door? A He-indicating the applicant) couldn't have been there and here too, he said he has been here ever since 1863.

Q You had a man charged with raping your daughter over at Buckeyes didn't you? A Well, have you got him on the docket too.

(Mr. Daveport) I submit this is not proper in this case; I object to it as being improper; it is not cross examination, it does not refer to any matter that would affect this case.

Mr. Faulds: We have a right to show that she has been witnesses in all the courts of the land.

Commissioner: You have a right to submit anything I think pertaining to the credibility of the witness.

Q Did you have a man charged here with ravishing your daughter?

A Yes, sir, I had a man arrested.

Q And he was acquitted? A Yes, sir, I don't know what they done with him.

Q He was turned loose? A I haven't seen him, I heard he was sent to the pen and then I heard he was acquitted.

Q Don't you know as a matter of fact that they didn't pay any attention to this charge you made and turned the man loose? A They paid attention to it enough to keep him in jail.

Q Why certainly, and you were kept in kail a long time on a charge of murder. A How long was I?

Q You know better than I do. A Well, you know so much about it maybe you know how long it was.

Q Isn't it a fact that the child you accused this man of ravishing was examined by a doctor and the doctor swore that the hymen was intact and that she had never been penetrated at all? A No, sir.

Q Didn't the doctor swear it? A No, sir, he didn't.

Q Well, you know he did, don't you? A No, sir.

MR. FAULDS: I will state here that I will object to you (addressing Mr. Hastings) and Mr. Daveport crossing the same witness.

Leah Brewer, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Leah Brewer? A That is your post-office address? A Fort Gibson.

Q How old are you? A I am about 34 I guess, maybe a little more.

Q Do you know Annie Green, who testified here a moment ago? A I know her, got acquainted with her down to the barracks.

Q Do you know whether or not she applied for enrollment here three

or four or five years ago? A Yes, sir.  
Q I will ask you if she didn't swear (at that time that her home had always been herein the Cherokee Nation?

Mr. Hastings: I object to that, you haven't proved that this woman was present.

Q Were you here when she applied? A Yes, sir, I was here in Fort Gibson.

Q Did you hear her give her evidence? A Yes, sir, I was here.

Q Didn't she swear on that occasion that she had always made her home in the Cherokee Nation? A I think she did.

Q Didn't she swear on that occasion that Dan Roach, this old gentleman sitting over here with the grey hair, that Dan Roach was her father? A She did say Dan Roach was her father, and then said another indian was her father.

Q And then swore that an Indian was her father? A Yes, sir.

Q At a different time? A Yes, sir.

Q At one time she swore Dan Roach was her father? A She said Dan Roach was her father, and then she said an indian was her father, the indian was first, the indian was once and Dan Roach was once.

Q She claimed to be a Cherokee by blood? A No, she claimed once, and she claimed Freedman once; I don't know what it was.

Q She swore old Daniel was her father? A Yes, sir.

Mr. Hastings: Uncle George was a witness for her too at the same time, this man right here? A I don't know anything about that.

Q Were you present? A I heard her side.

Q Were you present when she testified? A I was.

Q Didn't George W. Vann, the applicant here, wasn't he one of her witnesses? A When she testified?

Q Yes, when she testified? A I didn't hear him testify.

Q Don't you know whether or not he was a witness? A I heard hers, I didn't hear his.

Q Answer yes or not; you didn't hear him? A No, sir, I heard her and left there.

Q You didn't hear him? A No, sir, I didn't hear him, I just heard her testify.

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George W. Vann, recalled for additional cross examination, testified:

Mr. Hastings: Mr. Vann, do you know this witness, Annie Green, who has been a witness here against you? A I do.

Q You knew her in Little Rock, or Argenta? A In Argenta I knew her, knew her mother, her mother lives there.

Q Her mother lives there? A Or did.

Q You knew her for a number of years? A No, sir.

Q You lived there with only a short vacant space between you, didn't you? A Yes, about far as that house down there (indicating).

Q And you lived there about ten or 12 years right there by then? A I did not.

Q And you left there about 1877? A I did not.

Q Was she an applicant for citizenship before the Kerns-Clifton Commission, this Annie Green? A Might have been.

Q And you were her witness? A I don't know, sir, don't know anything about it.

Q Are you willing to swear now you were not her witness? A Might have been.

Q Were you a witness? A I, am not going to try, I don't know whether I was or not; if you can, show it.

Q Were you or were you not? A I don't know, I don't recollect.

Q Do you know who her father was? A I know that she has always said her father was an Indian.

Q Well, what was his name? A I don't know.

Q What was her mother's name? A Yarbrough, was what they always called her.

Q How long have you known her mother? A About the same time I knowed her, first knowed them in Argenta.

Q How long ago? A I went there from here in the Brooks and Baxter war, and Powell Clayton came up and collected about thirty or forty niggers to go into the Brooks and Baxter war, the two Governors was fighting, the Republican and Democratic, and I went there then.

Q How long did you remain there? A I remained there in the service at the barracks about two months, then George Hughes died right across in Argenta and I was appointed by Governor Tuley to fill out time as constable and stayed there six months and I came here a white man was elected for constable and I never was a Justice of the peace.

Q You lived there about six months? A No, sir, I stayed there more, I stayed in the garrison about two months, and I got out and George Hughes, the constable died, and Governor Tuley appointed me constable until that time expired, and I stayed there six months and that made about eight months.

Q What is all you ever stayed in Argenta? A Yes, sir.

Q You didn't run for the office of constable and was elected? A No, sir, never.

Q Did you see a man named Tom Alexander that I asked to step out of the room? A I don't know, the record can be shown at Little Rock.

Q You don't know this fellow Alexander that I spoke of, that stepped out of the room? A No, sir, I don't know who it is.

Q You haven't seen him here this morning? A No, sir, I haven't.

Q Tom Alexander, lived down in Sequoyah a while and has moved up to Tablequah? A No, sir, I don't know him.

Q Didn't you swear who was this woman's father five years ago? A Yarbrough.

Q Didn't you swear at that time that her father was named Dave Holt? A No, sir, I didn't do it, I might have said that is the way I understood it.

Q Didn't you swear you knew him? A Yes, sir, and do know Dave Holt.

Q Didn't you swear Dave Holt was her father, and he was an Indian? A No, sir, I don't know he was her father.

Q Didn't you swear it five years ago? A No, sir, I didn't know it, how could I swear he was her father.

Q Did you swear she lived in the Bickle place? A No, sir, it was the Bell place.

Mr. Faulds: I object, as there is no intention of contradicting the witness; if you will say on your reputation as a lawyer that you expect to prove these facts, I will withdraw the objection.

Mr. Hastings: It is a question of the admissibility of testimony; yes, sir, I propose to prove it.

Q Didn't you swear that you knew her mother over 50 or 55 years? A No, sir, I didn't, because I didn't.

Q Didn't you swear that Dave Holt lived on Skin Bayou? A No, sir, I didn't, because he didn't live there, he lived in Sequoyah and not on Skin Bayou, he was living on Skin Bayou, but not on any of it.

Q Didn't you swear this woman was named Anderson before she married? A No, sir, Yarbrough was her name.

Q Do you not now swear whether or not you testified for her in 1896 before the Kerns-Clifton Commission?

Mr. Faulds: I object to this question, as it has already been asked.

A I don't know as I did, I don't remember.

Mr. Faulds: You were a constable you say for only six months in Argenta? A Yes.

Q You have heard the evidence of this witness that you resided there for a certain length of time; you say you resided there for only eight months? A I was there two months down there in the barracks, and before came in of the blue went the morning when we commenced fighting, and said if we didn't dispose of them arms we would be arrested.

Q You recollect about when you went there to Argenta? A I do.  
Q When? A I went there between 1874 and 1875.  
Q And remained there eight months? A I remained in the garrison two months and then George Hughes died, a white man, in Argenta, and I was appointed constable.

Q Did you ever run for Justice of the Peace or act as Justice of the Peace? A Never in the world.

Q How at the time you were living, there was this woman married or living with a man whom she held out as her husband? A Yes, sir.

Q Right close to where you were living? A Yes, sir, and she swears she did to and I say so too.

Q This man she was living with as her husband was the man she killed? A Yes, sir.

Q And you arrested her for it? A Well, let me tell it just as it is; I lived right close to her, and there was a church right here and her husband got dressed up to go to church with me and two of my deputy constables, my deputies and me went on and she stopped, and said to him, 'I don't believe I will go, I don't feel well, and we got about a quarter of a mile, and he said 'McKany, it is my notion there is something wrong at my house,' and I said, 'what is it,' and he said, 'I don't feel right, I am going back,' and I hear a gun fired, and I was a constable and had four white deputies under me and four niggers, and I broke back, and when I got back I heard a man groaning and her husband was lying at the door, and this woman was at the door and he could talk, and I asked him what is the matter, and he says 'I am shot,' and I asked him where is his wife, and he says 'In the house, and I broke the door and she and a man was in there wither; and I arrested her and arrested him, and I can prove it.

Q This man that was in there wasn't her husband? A No, sir, and I said, 'did you shoot that man,' and she says, 'I done it,' and I said, 'well what did you do it for'; 'I thought it was a burglar,' and I says, 'You know your husband's voice; 'I thought it was a burglar, this man didn't shoot him, I shot him.' I arrested them both, took them before a white justice of the peace, she was bound over and stayed in jail I don't know how many days, and after a while a man, a lawyer, one of the first congress members there, she had a little money and he was working on the Cairo & Fulton iron works, she hired Will Terrell, the congress member, to defend her, and they worked on that case fully half a year and she got out, and I didn't see her again and I saw her in Fort Smith.

Q Then was that? A That was in 1876, I saw her in Fort Smith, she was single, she married a negro there working in a wholesale store named Green, she is with now; she stayed there about a year and came over to Dr. Bell's place on this side the river and when she left there I never saw her until I saw her here now; and I never have acted as Justice of the Peace.

Mr. Hastings: Was this man a member of congress at that time, that lawyer, Will Terrell? A I don't know, but I know he has been since.

Q Was he then? A I tell you I don't know.

Q How did you come to leave Arkansas; you left there between the wars, didn't you? A No, sir, what did I leave there for?

Q Didn't your son get into trouble with a woman? A No, sir.

Q And didn't you shoot at her through a door? A No, sir, never.

Q You never shot at any woman? A Yes, I did.

Q Then you left too immediately? A No, sir I didn't, I stood my ground and came clear. I shot her, she busted a cap at my and run off and shot at me because her boy had went out in the field and tried to get my boy to let him plough a big horse of mine named Big that nobody could go to him, and as soon as he got to him he goes after his mother, and she whipped him, Nellie Phillipa is the woman there, and I came to the butcher pen and I was a constable, and her boy there when my boy says you can't plough him, he picked up a piece of brick and hit him, and she was up to the butcher shop and I shot her.

Q In that year were you tried? A I was tried in I think about

Q In what year were you tried? A I was tried in I think about sixty, about '76, I think that is about the time I was tried.

Q You stayed there until you were tried? A Yes, sir.

Q Was that up before Court, or was it before the grand jury? A No sir, went before Court and tried before a jury and came clear and because she shot at me.

Q And the woman's name was Lollie Phillippe? A Yes, sir, and I shot her.

Q Was that tried in Argenta? A Yes, sir, and then when they went over into Little Rock before the Governor, or Judge, you might call him, Judge Butler, I was tried there and came clear.

Mr. Faulds: Now you were a constable at the time this shooting took place? A Yes, sir, she shot at me and broke a cap, and I jerked it out at the butcher pen and saw her and knew her and shot her in the groin, shot her right below the groin.

Q Did you kill her? A No, sir.

Charles Robinson, being duly sworn by Commissioner Needles, testified on behalf of applicant as follows:

Mr. Faulds: Mr. Robinson, how old are you? A I guess I am about 58 years old.

Q What is your post office address? A I aint got no post office.

Q Where does your wife get her mail? A The last mail she got, she got it over here to - I don't know what is the name of the place out here on the road; that post office was burned down and she hasn't got any mail for a year.

Q You know Joe Bruner? A Yes, sir, I been knowing Joe Bruner for about two, three years.

Q Do you know his general reputation in the community where he lives for truth and veracity? A I know that it is not very good.

Commissioner: The question is do you know it; say yes or no.

A Yes, sir, I know part of it.

Mr. Faulds: Didn't you say here before you knew his reputation? Let me explain; you live within two or three miles of him and I want to know -

A His reputation is bad down there

Commissioner: Do you know his reputation? A Yes, sir, I know some of it.

Mr. Faulds: A man's reputation for truth and veracity consists in what people say of him, as to whether he is a truthful man or an untruthful man; now I ask you the question whether or not you are acquainted with his general reputation for truth and veracity in the community in which he lives? A Yes, sir, it is not good.

Q Answer yes or no? A No, it is not good.

Q Answer whether or not you know the reputation? A Yes, sir, I know it is not good.

Q Is it good or bad? A It is bad.

Mr. Hastings: He is a witness against your wife here, in her application for enrollment? A I don't know the first time I ever saw him I don't know whether he is or not.

Q Didn't you come up here to testify against something he testified in your wife's case? A I came to tell something he told a story about.

Q Was he a witness in your wife's case? A No, sir, he was a witness in my daughter's, and he said he didn't see her in the nation and he tried to court her in the nation.

Q How do you know he said that? A Because my daughter told me he said so.

Q Then he must have been a witness in her case? A I said my daughter, you said my wife.

Q Who did you ever hear say Joe Bruner's reputation was bad?

A Here is one witness right here.

Q Who, George Vamp? A Yes, sir, I can get several more.

Q Well, who? A There is one out doors.

Q What is his name? A Tom Davis, old Tom, that is his name.

Q When did you hear him say that? A I heard him say at dozens of times.

Q When was that? A I have heard him say so lots of times.  
Q Well, on a one day? A Lots of the rest of them will say so.  
Q Who else did you hear say anything about it? A I can call the names of different men.

Q Well, name one of them? A Well, there is not over five or six.  
Commissioner: You don't recall anybody. (No response.)

Q This man is a witness against George Vann? A I don't know, sir, anything about that.

Q You heard Vann say so? A No, sir, I don't know what he said or nothing at all.

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Daniel Roach, being duly sworn by Commissioner Needles, testified as follows:

Mr. Paulds: Do you know Annie Green who testified here? A Yes, sir.

Q Was she your daughter? A No, sir.

Mr. Hastings: Did she ever claim to be your daughter? A Not to me, she claimed to be a daughter of a Price, Lose Price was my master, now he is the man raised me.

Q She never claimed to be your daughter? A No, sir, she claimed Price.

Q Did she claim that five years ago, before the Kerns-Clifton Commission? A Not to my knowledge.

Q Did you ever go to Tahlequah to look it up? A Yes, sir, I saw the woman right here and I went to Tahlequah to look it up and I went to Mr. Fenge, old man Fenge; my master was her father, used to be my master.

Mr. Paulds: Did ~~he~~ you hear her testify when she made application to be enrolled at the time of the Kerns-Clifton roll? A I can't recall it.

Q You don't know whether or not she swore you were her father? A No, sir.

Q Did you ever hear she claimed you were her father? A Some of the children; I had a daughter just about her color and her size, and when they would be going to church they would be walking together and the children said look yonder, they must be daughters of Daniel Roach, they are both just alike, and it came up from that.

Mr. Hastings: You never heard her claim it? A No, sir, I never heard it.

Mr. Paulds: You heard that she said it? A Yes, sir, just told around.

Q You heard that Annie Green claimed to be your daughter? A Yes, sir, after the children said it was, she said yes I am, or something that way; that is about the way I understood it.

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Thomas Alexander, being duly sworn by Commissioner Needles, testified on behalf of the Cherokee Nation as follows:

Q What is your name? A Thomas Alexander.

Q How old are you Tom? A About 50.

Q Do you know where you were born? A Born in Huntsville, Ala.; raised up in Nashville, Tennessee.

Q Did you ever live in Arkansas? A Yes, sir.

Q Ever live in Little Rock? A Yes, sir.

Q When did you live there? A I left there in 1865, as near as I can come to.

Q About when did you come to Little Rock? A I came there in 1877.

Q You came to Little Rock in 1877? A Lets see if I am right; no, sir, I came there in 1870, that is correct.

Q Do you know this applicant here, this man? A I don't know, sir, I have been seeing him about.

Commissioner: Do you know him? A Yes, sir, I know him, George Vann.

Mr. Hastings: Did you know him in Sequoyah District? A Yes, sir.

Q Do you live in Sequoyah down there? A Yes, sir, that is where I came to in 1865.

Q Did you ever know him before that time? A I saw him down to



Little Rock, a constable in Argenta, on the Argenta side.  
Q That is just across the river from Little Rock? A Yes, north I think.

Q Now about when did you first know him in Argenta or Little Rock?  
A Well, I don't know, as near as I can come at it, I think about 1874, that I saw him there, a constable, if I make no mistake.

Q About how long did you know him down there? A I know he was a constable, I think, if I make no mistake, two years, at least, whereas in the bounds, but he didn't serve his time out; he served his time out because I make no mistake a man takes place by the name of Gladney.

Q About how long did you know him there, two years?  
A Yes, sir.

Q Now long did you know him in Little Rock or Argenta?  
A Well, I guess, I will have to say about two years.

Q Did he have a family there then? A Yes, sir.

Q Lived there? A Yes, sir.

Q Do you know when he left there? A Well he left to me unknown to me; when I found out, he had gone left, that is, he was but his family hadn't.

Q About when did you miss him to the best of your knowledge?  
A Well, now I think he remained a constable to the best of my knowledge close to two years, and left there, and when I saw him again he was gone, I don't know as I knew he was gone, I saw Mr. Gladney riding in his post.

Q The next time you saw him in the Cherokee Nation?  
A Yes, sir.

Q What was he known by down there? A I always heard he was known by the name of Gladney.

Q You saw him down in Sequoyan district and near the town there? A Yes, sir.

Q Did you ever talk to him up there about his being a constable?  
A Yes, sir, he has talked to me about it; asked me if I knew anything about his being constable down there.

Q Did he ever talk to you about his whereabouts before Little Rock, or Argenta? A Yes, sir, he told me about Pine Bluff and Memphis, before now.

Q He didn't state how long he had been there, did he?  
A He said he had lived there a while.

Q Now you lived in Argenta from 1870 to 1872?  
A Yes, sir.

Q Well, Little Rock? A Yes, sir.

Q Argenta is a suburb of Little Rock? A Yes, sir.

Q And during the time that you knew Vann there, wasn't he a constable?  
A Well, that is about the time I heard of him running for a constable.

Q Now don't you know as a matter of fact that he never ran for a constable, that he was appointed as a constable to fill the time of a man who had died? A No, sir, I never heard of that.

Q But still you can't do anything? A I can't do anything about it, nothing at all about that.

Q Didn't you say here a moment ago that you didn't fill out your time; didn't you state that just now in your evidence that George Vann didn't fill out his time? A Well, I don't know, maybe he did had to go away from there before he filled it out.

Q Just answer my question please; I am not asking you other things; we will come to that in time. How are constables elected back in Arkansas? A I don't know, sir, I can't say for certain, but I know he remained there in that settlement for about two years and started on a second term, if you want the truth about it, but he didn't serve his second term out, he had to go away.

Q To what away? A He had to go away.

Q What for? A I can't say for certain, only I heard he had to go away.

Q Did you know there about shooting at a widow woman in a door, and  
with that thing was getting away with some money; I don't know, all I  
know is that I heard.

Q Do you know anything about it? A No, sir, I don't know anything  
about it, but that is the talk.

Q You were not there? A No, sir, of course you know I couldn't  
have been there if he was constable.

Q Do you know as a matter of fact whether he ever did run for  
constable in that district? A He tried at one time, he tried to  
run for constable if he didn't run.

Q Do you know whether he run for constable? A Yes, sir, he run  
for constable.

Q You swear that? A Yes, sir.

Q Did you vote for him? A No, sir, I didn't.

Q Did anybody else vote for him? A No, sir, I don't know  
anybody else for him.

Q Do you know whether anybody voted for him? A Somebody voted  
for him, else he wouldn't have been elected.

Q Do you know he actually run there for constable? A Yes, sir,  
that is that of your own knowledge? A Yes, sir.

Q Tell me what you know it? A If a man gets on a ticket to run  
for constable like I see I guess he has to have tickets to run on.

Q Did he have tickets to run on? A I wasn't in his jurisdiction,  
I didn't see any tickets with his name on them? A Yes, sir,

Q Did he vote as to it? A I don't know.

Q Did you vote as to it? A George Hoffman.

Q Did you know what year that was in?  
A I don't know what year that was in,  
I don't know the time I told you it was.

Q Did you know who run against him?  
A That I don't know, who run against him,  
I don't know who run against him? A No, sir.

Q Did you know whether he was elected? A He was elected once

Q Did you know whether he was appointed to fill out the  
term of the one who died there? A I don't know anything about that,  
I don't know of that, I never heard of that; if it is that that

Q Do you know the first time you saw him in Argenta, the year  
I asked you to specify the specified year I saw him there in;  
I don't know to specify what certain year, because I might be mis-  
taken, but I know he was there and run for constable two years  
or thereabouts, and never filled it out.

Q Do you know what year he left there? A No, sir, I don't know

Q Do you know the year he started to act as constable and you  
don't know the year he left there, do you; now answer me my question,  
when he started to act as constable and you don't  
know when he left acting as constable, do you? A I don't know or  
when he left there, I don't know when he left there; he left  
there I don't know, I don't know when he was gone when I found

Q Do you know how long a time when you found out he had been  
gone? A Not more than a month or two.

Q Do you know what year he started to act as constable or what year  
he left acting as constable; you have already sworn you didn't know  
what year he started to act as constable; didn't you swear that  
he acted as constable there '74 or '75 along there, but I will not  
specify for certain what year; I can't say what year for certain.

Q Do you know '74 or '75? A Right along in '76 or '75.

Q When did he leave there? A And he left there, seems if I talk  
to you, he left there in 1877, I think it was, since I came to  
talk about it, if I talk no mistake, somewhere along there.

Q Do you know it? A He left there in 1877 or '78, somewhere along  
there, as best as I can recollect.

Q Do you don't recollect? A I don't recollect exactly.

Q Did it not have been in 1876 he left there; now you are on

your oath? A I know I am under oath; he didn't leave there that year.

Q He might have left there in 1875? A He didn't leave there in 1875; he was there in 1876.

Q He came there in 1874 or 1875, didn't he? A No, sir, I didn't say he came there; I don't know when he came there; no, sir;

Q Didn't you say he started to act as constable in 1874 or '75?

A Yes, sir, I said that, but I didn't say he came there in that time.

Q And he left there in 1876 or '77? A Yes, sir, left there right along in one of these years, I will not say positive which.

Q Did you ever know of him acting as Justice of the Peace over there? A No, sir, I never heard of that.

Q Well, will you swear he didn't act as Justice of the Peace while he was there? A I swear he didn't to my knowledge.

Q And if he had done it you would know it? A I don't know, I think I would.

Q You saw him walking around the streets with his badge on? A I never saw him act as any justice of the peace, never heard of it before; he acted as a constable, riding around summoning people and making arrests, but didn't look like a justice of the peace to me.

Q Are you a Cherokee Freedman? A No, sir, I am a state man.

Q You have no right here at all? A Not a bit.

Q How long have you lived here? A I came here in 1865.

Q Been living here ever since? A Yes sir.

Q You have been living with one of George Vann's children some of that time, haven't you? A Yes, sir.

Q How long? A About a year.

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

Q Did you quit her or she quit you? A There was quitting done.

Q She quit ~~her~~ you didn't she? A Oh, yes, she quit me.

Q Then it was mutual? A Yes, it was mutual, that is what it was.

Q Which daughter was that, Mary Jane? A Mary Jane; I guess you ask me that much, you ought to ask me about some of his sons down there in Little Rock now; they haven't left there yet.

Q Have you got any sons in Little Rock? A I didn't say no, I said Mr. Vann, or McKany, or whatever they call him.

Q You have never been charged with any crime? A Yes, sir, I was charged with the crime and came clear of it.

Q What were you charged with? A I was charged with burning a house and was acquitted for it in the Commissioner's Court.

Q Is that all you were charged with? A That is all I ever knew of.

Q You were charged with rape once? A Never heard of that before; no, sir, never heard of it before; I am at the first of that; I told you what I have done; no, sir, I never was.

Q You have committed rape lots of times, haven't you?

Commissioner: You need not answer that question.

Mr. Faulds: Were not you charged with burning this Vann house because she wouldn't stay with you? A Yes, sir, I was charged with doing that but I didn't do it and if I ~~had~~ have done it it would have been proved on me.

Mr. Hastings: They tried you and you came clear? A Yes, sir, and you can ask him about it.

Mr. Faulds: You lived there in Little Rock continuously from 1870 A to 1885? A Yes, sir.

Mr. Hastings: You lived with this daughter, Mary Jane, a while? A Yes, sir.

Q About how old is Mary Jane now? A According to what I would call her I guess she is about 35 or 40.

Q Did she ever tell you about anything where she came from before she married you? A Yes, sir.

Mr. Faulds: I object to that as hearsay.

Commissioner: I don't think that is pertinent.

Mr. Hastings: The question of whether or not she told him of her whereabouts prior to their marriage he can answer by saying yes or no; now that is not telling any hearsay or

what she said, except to say whether she told him or not, and then the next question perhaps would be objected to by the attorney on the ground it was hearsay, but now our first point is that this ought to be answered as to whether or not she ever told him; that is not hearsay; he might object as to what she did tell him afterwards, but that is a second question, and this is only leading up to it.

Mr. Hastings: No go ahead and make a statement of all Mary Jane said about her whereabouts as far as you know, prior to her marriage.

Mr. Faulds: I object to that.

Mr. Hastings: I want to call your attention to this point, that when Charlie Robinson was on the stand in his case, not five or ten minutes ago, the questions were then asked him by this same attorney, the question was asked him as to the whereabouts of his wife, and who she belonged to. The question was then objected to, and this same Court ruled in that case that inasmuch as there has been more or less latitude allowed about it, that hearsay upon what question was admissible, and it was allowed to be testified to as that time by that man, who she belonged to, when he didn't claim to know her before the war at all, but who she said she belonged to before the war, which was clearly a declaration in interest and this is a declaration against interest. It is a matter of family history and in our judgment clearly admissible in this case.

Mr. Faulds: My learned friend is entirely mistaken when he says that any such testimony was objected to in this case. Charlie Robinson was called in this case to prove the reputation of Joe Bruner, and as your honor knows, that is an exception to the rule and you can prove reputation by hearsay evidence, but we never offered any evidence at all as to what had been said by this person and that parson. Now then the proposition to offer in evidence what this man's daughter had told this man with whom she lived, not even her husband. Now there is a rule which requires the best evidence to be given. What is the best evidence. The testimony of Mary Jane Vann herself; that is the best evidence. Let them call her, swear her, ask her the question where were you living, where was George Vann living? that is the best evidence, that is the original evidence, and hearsay evidence against interest is never admissible when you can get the original, the best evidence. Would not be admissible under any circumstances because the parties are not in any respect whatever identified in interest.

Commissioner: Well, that might have been proper at that time. The objection wasn't strenuously urged by the Counsel. This testimony it appears to me is not relevant at all, and is not a proper question. This woman is alive. I don't think it very material in either event.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and except to the ruling of the Commission in the above case.

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Thomas Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Thomas Bell? A Yes, sir.

Q And your post-office is what? A Dora.

Q Indian Territory? A Arkansas; near the line.

Q How old are you? A I don't know, over 68 or 69.

Q I will ask you if you are acquainted with Joe Bruner? A A little, yes, sir.

Q Do you know his general reputation for truth and veracity in the community where he resides; what the people say? A Yes, sir.

Mr. Hastings: How far do you live from Joe Bruner? A As near as I can study and think, it must be about five or six miles.

Q Do you say you know his reputation in the community in which he lives? A I don't know it, no more than what I hear.

Q. Do you know it in the community in which he lives? A. No, sir, I don't know it, but I hear it.

r. Faulds: Reputation, you understand Mr. Bell, is what the people say of Mr. Bruner, it is not what you know. A. In his settlement?

Q. Yes, in his settlement, among people with whom he is acquainted, and whom he associated with. I want to know what his reputation for truth and veracity is among those people; do you know it? A. Yes, sir.

Q. Now is that reputation good or bad? A. Bad.

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Mr. Faulds: Of course the Commission understands that we have a great many witnesses we have not brought, that we intend to bring up at Muskogee, but we haven't any more here.

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

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th of May, 1901.

(signed) C. R. Breckinridge.  
Commissioner.

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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the 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 February 11th, 1902.

*[Handwritten Signature]*

Commissioner.

File with Cherokee Freedman, D-135, Cornelia Hill.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 12, 1901.

In the matter of the application of George W. Vann et al. for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

J. S. Faulds, attorney for applicants;  
W. W. Hastings and F. S. Davenport, of counsel for Cherokee Nation.

Mr. Faulds: Applicant objects to any testimony being offered against him, on the ground of insufficient notice, notice being served on me yesterday.

Commission: The Cherokee Nation makes satisfactory proof of service of notice on the said George W. Vann, that testimony would be taken in behalf of the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on the 12th day of September, 1901. The said George W. Vann has been called three times and does not respond. It is further stated that the said George W. Vann was about the office of the Commission during the forenoon.

JOHN BYNUM, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A John Bynum, J. G. Bynum, I am 54 years of age, going on 55.

Q Your residence? A Residence, North Little Rock.

Q By what name was the town in which you live now known prior to its being known as North Little Rock? A Argenta.

Q How long have you resided in Argenta, or North Little Rock as it is now called? A Since '89.

Q Did you ever know a colored man in Argenta who went by the name of George W. McKamy? A Yes, sir.

Q About when did you first get acquainted with him, giving the year as near as you can? A Well, as near as I can commit to memory, it must have been about '75 or '4 when I first knew McKamy there.

Q Did he occupy any official position while he was in Argenta?

A Yes, sir, he used to be constable there.

Q Did you get acquainted with him before he was a constable or after he was constable? A I got acquainted with him before he was a constable, but more after he became constable, that is, I saw him after he was a constable; I never had much to do with him; after he became a constable he came before me more.

Q Do you know whether or not he had a family in Argenta? A Yes sir.

Q About how many did his family consist of, if you know, John?

A I really sir don't know, I am satisfied he had a wife and I think there was some three or four children, I won't be positive about that.

Q Had he any boys in the family that you know of? A Yes, sir.

Q Do you remember any of their names? A One of them was James James, and the other one, I know his name but I just can't think of it.

Q Since you became acquainted with McKamy, have you known this

boy James? A Yes, sir.

Q Where has he been living since you first knew McKamy? A James run away from Argenta.

Mr. Faulds: I object to this. What has it got to do with George W. Vann?

Commission: The objection will be noted; let him answer the question.

A James run away from McKamy, I suppose 20 years ago, maybe longer, he run away from there, and he came back here --

Q Came back where? A Back to Argenta, about a year ago, or maybe more, that I first seed him being there.

Q Is he living in Argenta or North Little Rock now? A Yes, sir, he is living there.

Q Was you living in Argenta when what was known as the Brooks-Baxter war came up? A Yes, sir.

Q You remember about what year that was? A It was either '74 or '75, I disremember which year it first started.

Q Had George W. McKamy been constable in the town of Argenta before the Brooks-Baxter war? A Yes, sir.

Q Do you remember now about how long? A No, sir, I don't just exactly remember how long he was constable before that came up.

Q Do you know whether or not he was living in Argenta when the Brooks-Baxter war came up? A Yes, sir, he was there when it came on.

Q About how long did he continue to live there after the Brooks-Baxter war, to the best of your knowledge? A Well, I don't know sir just exactly how long it was after that before he left there, I just don't commit to memory just exactly how long it was and what time he did leave there.

Q About how many years do you think he lived in Argenta? A He must have stayed there some three or four years anyhow to my knowledge, if not longer.

Q Do you remember what the name of the township that Argenta was in at that time; in your county you have townships where constables have jurisdiction; do you remember the name of your township?

A I think it was Eastman.

Q You have a township and have a constable and deputy constable?

A Yes, sir.

Q Was that Eastman township? A Yes, sir, I am mighty near certain.

Q Have you seen the man George W. McKamy since you have been to this place? A Yes, sir.

Q Was the same man constable there prior to the Brooks-Baxter war?

A Yes, sir.

Q And the same man that acted there as constable? A Yes, sir.

Q You are quite sure he was acting as constable before the breaking out of the Brooks-Baxter war? A Yes, sir.

Mr. Faulds: Don't lead the witness that way.

Q Do you know whether or not he goes by the name of George W. McKamy here? A Well, I heard they call him George something else, Vann or something like that, here; I hear them call him that here.

Q Did he ever go by that name when he was living in Argenta?

A No, sir, he always went by the name of G. W. McKamy.

Q Did you live in Argenta when a certain colored woman known as Annie Greer killed her husband? A Yes, sir, I was eight miles this side.

Q You know of the circumstance? A Yes, sir.

Q Do you remember about what year that was she killed her husband?

A I think it was in 1883.

Q You think it was in the eighties? A Yes, sir, somewhere in the eighties.

Mr. Faulds: Did you ever visit at McKamy's house? A Well, no sir, I never been there, I don't remember of visiting there, I might have been there, I don't commit to memory whether I was or not.

Q I want to know whether you were ever at his house, visiting there?

A I can't say really now positive I was at his house; I have been by the place where he used to live, but whether I have been in the house I can't say; he used to live there close by a family that I used to visit, a good deal; they were all in the same yard.

Q You don't know what year that was you first saw him there?

A I am not positive whether it was '73 or '4 that I first got acquainted with McKamy.

Q Are you positive it wasn't 1875? A Well, I think it was before that, according to my best judgment, that I got acquainted with him.

Q When you say the Brooks-Baxter war broke out? A Well, I am not positive about what year that was.

Q You were living there in Argenta when it broke out? A Yes, sir, I have made that my home since '65.

Q Did you have anything to do with that war? A No, sir.

Q And you say McKamy was acting as constable there? A Yes, sir.

Q Was he acting as Justice of the Peace? A No, sir.

Q Do you know whether he was appointed or elected? A He was appointed.

Q What was the name of the Governor at the time that war was going on; Hadley? A Yes, sir, Hadley was the man that appointed him; there was such a wrangling among the governors I don't remember who did hold, I know there was a wrangling between Brooks and Baxter and finally Baxter came out, seem then everybody got to fighting, but just how that tangle was, of course I was a little wild at that time, I don't remember all about it.

Q Governor Hadley was the man that appointed him? A Yes, sir.

Q There was a great many colored people taken out of the Territory over there in that war, from out of the Territory? A I don't know sir, that there was; there was a good many brought from down between Fort Smith and Little Rock, carried down there, but I don't know whether any came out of the Territory or not; I know some people came down from between Fort Smith and Little Rock by the same name I am, belonged to the Bynum family down there, but I never got acquainted with any came from the Nation; they might have come, I don't say they didn't, but I never got acquainted with any.

Q Venn was married at that time, was he? A Yes, sir.

Q Now how often would you see him there? A Oh while he was constable I used to see him often times there.

Q When he wasn't constable, did you see him often? A I didn't know so much about him; now when he was constable I often seen him.

Q When he wasn't constable, there would elapse a great length of time sometimes when you wouldn't see him? A I can't say about that, I never paid much attention to him until he got to be an officer, and I was a wild boy and I had to keep an eye on the officer.

Q Did he ever arrest you? A Yes, sir.

Q What did he arrest you for? A He arrested me on the charge of being drunk there one night.

Q Who, McKamy? A Yes, sir. There was a white man killed there one night, and me and a bar keeper had some racket, and of course some white men came on that knowed me, and he read out the warrant for me, but this night when I had the racket there I had it with the bar keeper, and McKamy - his deputy first came on and taken hold of me and I threw him loose - and McKamy came and taken me then and carried me over - I was running a shoe snpp, - and carried me over and locked me up in my own shop and put the key in his pocket.

Q What became of that charge, what was done with that? A They dispensed with it, found out I wasn't the man and didn't know anything about it.

Q And McKamy was the man that arrested you? A Yes, sir.

Q You were angered at McKamy for arresting you? A No, sir, I considered him my friend.

Q Were you ever arrested for anything else? A No, sir, tha



was the only thing.

Q You say when he ceased to act there as constable you lost track of him, don't know anything about him? A Yes, sir, I guess he left there; I don't know exactly how long after he ceased to be constable.

Q After he ceased to be constable he left there? A Yes, sir.

Q You didn't see anything of him after he ceased to be constable?

A I believe he has been back there, just been back and visited, tended to some business, and I have seen him once or twice; he has been back there.

Q That is after he ceased to be constable? A Yes, sir.

Q When did you say you first got acquainted with him; '73 or '74?

A Yes, sir.

Q Where did you first meet him? A Met him there in Argenta.

Q What the time the trouble was coming up, this war? A That was a little while before this war came up.

Q How long before, a month or so? A I really don't know.

Q Maybe a month or so? A Might have been just that long and might have been longer, I can't say.

Q You don't know? A I can't say.

Q So that your acquaintance with him there in Argenta is confined nearly altogether to the time that he acted as constable? A Yes, sir, more particularly, I knew him well then and was better acquainted with him; it behooved me to keep my eyes on the officers.

Q You were watching the officers? A Yes, sir.

Q You were afraid of them? A I was sorter shy of them.

Q You got drunk occasionally? A Yes, sir.

Q Kind of a whiskey fellow then? A Yes, sir.

Q Got better sense now? A Oh yes, sir, quit altogether.

Mr. Davenport: John, how long after he ceased to act as constable did he live there in Argenta? A I really don't know, sir, just exactly how long he did stay there after he ceased to act as constable.

Q Do you know whether or not he lived there any time after he quit acting as constable? A Well, yes, sir, I know he stayed around there a short while, I don't know just exactly how long.

Q You spoke a moment ago he lived in the yard with a family you visited quite often; what was that family named? A He lived in a yard they called the old King residence, where a man named LaMoyné used to live.

Q Was that the family you had reference to? A Yes, sir, I used to visit a great deal.

Mr. Faulds: You know where McKamy came from when he came to Arkansas? A No, sir, to my best knowledge though he came from the east somewhere, from one of those eastern states, to Argenta, I don't know where originally.

Mr. Davenport: You always understood he came from some of the states east of Arkansas? A Yes, sir.

Mr. Faulds: I object to that.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in testimony a certificate from the County Court of Pulaski County, Arkansas, showing the date of the appointment of George W. McKamy as constable for Eastman Township, State of Arkansas, County of Pulaski.

Mr. Faulds: I have one of those, we don't know whether it is the same as this, we are going to offer in evidence.

(Document described above admitted without objection.)

Mr. Davenport: I also desire to introduce a certified copy of the judgment and order of ouster, entered by the Cir-

cuit Court of Pulaski County, State of Arkansas, in the case of Joseph Brooks, Plaintiff, against Elisha Baxter.

Mr. Faulds: I object to that; what has it got to do with this case?

Mr. Davenport: It shows when Mr. Brooks and Mr. Baxter's war came on; I propose to show the war followed the entering of that order, and that is the best way of proving when the order was entered.

Mr. Faulds: I object to this, as incompetent, irrelevant and immaterial, and nothing to do with the case whatever.

Commission: The objection will be noted and the document will be filed.

Mr. Faulds: No proceedings in a suit between parties, in which George W. Vann wasn't a party, would be competent against him.

Mr. Davenport: It is offered for the purpost of showing by the best testimony when the controversy arose over the Governor's office between Joseph Brooks, who was contending for the office of Governor against Elisha Baxter, who was the incumbent and acting Governor, being the first record upon which they went into the Court, in order that subsequent testimony may be introduced to prove when the war known as the Brooks-Baxter war, in the state of Arkansas, came up.



W. R. F. PAYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence? A My name is W. R. F. Payne: my age is 47 next birthday.

Mr. Faulds: Were you listening to the evidence of this former witness? A No, sir; my residence is Argenta, or Little Rock

Mr. Davenport: How long have you resided in Argenta, or North Little Rock, Mr. Payne? A 21 years.

Q Was you residing in there when what was known as the Brooks-Baxter war took place? A Yes, sir.

Q Were you residing in Argenta in the eighties? A Yes, sir.

Q At any time during the eighties did you hold any official position in the town of Argenta, Arkansas? A Yes, sir, I did.

Q What position was it you held? A I was constable there.

Q In what township; or what was known as a township at that time?

A It was Hill Township then, but it was a part of Eastman; it was cut off of Eastman; Eastman was divided in '84, and in April, '85, I went in the constable's office and remained there until the 17th of September, '88.

Q During the time you were constable, who acted with you, if anyone?

A A. M. Doty.

Q Is Mr. Doty dead or living? A He is dead.

Q During that time, was a colored man by the name of George McKamy constable? A No, sir, he wasn't, he held no position there in that township.

Q Do you remember the circumstance of a colored woman having killed her husband, whose name was then Annie Greer, who now is Annie Green?

A Yes, sir, I knew Annie Greer when she lived there and know when she killed her husband.

Q Have you seen her since you came up here?

Mr. Faulds: I object to that as immaterial.

Mr. Davenport: The representatives of the Cherokee Nation offer it for the purpose of contradicting the applicant. The applicant has testified that he was constable at the time this transaction took place, and that he made the arrest.

Commission: The objection will be noted and the witness will be permitted to answer the question.

Mr. Faulds: I would desire to further state that you have no right to contradict the witness on an immaterial

matter, even if what you say is true.

A Well I met Annie, that I knew by Annie Greer in 1886 when this happened; in the early part of '86 I think when she killed her husband.

Q Who made the arrest in that case? A Me and Mr. Doty made the arrest, Mr. A. M. Doty, we were together.

Q Was George W. McKamy about her, have any part in the arrest?

A He took no part in the arrest, I don't know where he was at that time; he taken no part in the arrest, had nothing to do in any manner with the constable's office in the township at that time.

Q Do you know the year the Brooks-Baxter war took place? A I only know it from history; my impression is it was in '74, but I wasn't in the state at that time, I was in Mississippi, I lived there.

Mr. Faulds: Did you know McKamy? A I don't remember him, I don't think I was acquainted with him at any time.

Q Do you know him now? A No, sir, I don't think that I know him.

Q You would not know the man if you saw him? A I saw the man that was pointed out to me as McKamy, but what I want you to understand is I don't remember anything about him, only seeing him, I have no acquaintance with him that I recollect.

Q What year was this you say you arrested this man? A This woman; it was in '86, early part of '86 when this happened.

Q Well, this was a different transaction altogether you are speaking of, this arrest you made. A I am speaking about the arrest of the woman when she killed her husband.

Q Was it her husband she killed? A Yes, sir; that is what she was arrested and tried and acquitted for, killing her husband; it was her husband that was killed.

Q You are sure of that, are you? A Yes, sir.

Q And that was in '86? A Yes, sir, it was sometime in the early part of '86, I don't recollect the dates particularly, only I know it was in the early part of 1886.

Q You never saw McKamy then in Argenta at all? A I don't remember if I ever did.

Q Don't know that he ever lived there? A No, sir, I don't know anything of that kind.

Q Don't know that he acted as constable there? A Not of my own personal knowledge I don't; when he acted as constable was before I came there; I know that from hearsay, but not from my own personal knowledge.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in evidence a certified copy of the indictment and judgment in the case of the State of Arkansas against Annie Greer.

Mr. Faulds: Why this is a different case entirely that you are bringing up here; I object to this; the applicant is no party to this judgment and it cannot be evidence against him; incompetent.

Mr. Davenport: The representatives of the Cherokee Nation offer the certified copy of the indictment and judgment for the purpose of contradicting the applicant, and for the purpose of showing that the transaction of the killing of the husband of Annie Greer by her took place more than 12 years after the applicant claims he resided in Argenta, notwithstanding he claims he made the arrest.

Commission: The document will be duly filed.

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MAT LA MOYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A My place of residence, Argenta.

Q What is your name? A Mat McKamy.

Q How young are you? A 45 years old.

Q Your residence? A Argenta, my residence is.

Q How long have you resided in Argenta? A Been there ever since October 15, 1868, came there the 15th day of October, 1868.

Q Is that town known by any other name but Argenta? A No, now it is known as not as Argenta, it is in the ward now, it is the Eighth Ward.

Q Eighth Ward of what? A Little Rock.

Q Mat, did you ever know a colored man down there in Argenta, when it was Argenta, by the name of George W. McKamy? A Yes, sir.

Q Have you seen that man since you came up here? A Yes, sir.

Q Do you know what name he goes by up here? A No, sir, I don't know what name he goes by.

Q He talk to you this morning? A No, sir, he haven't said a word to me, I haven't spoke to him.

Q Did you ever know him by any other name in Argenta but George W. McKamy? A No, sir.

Q About how long ago did you get acquainted with him, as near as you can remember? A It was in '72, either the first part of latter part of '72 I got acquainted with him; he lived in adjoining yards right with me and my father.

Q Did he ever occupy any official position down there? A Yes sir.

Q What was that? A Constable.

Q Was you acquainted with him before he was appointed constable or after he was appointed constable? A Before he was appointed constable.

Q About how long before? A I think his appointment was about in '73 sometime; he came to live there in adjoining yards with us in '72, the latter part of that, and shortly after that he was appointed, I think was when.

Q Did you ever have any conversation with him, or hear any conversation with him, with reference to whence he came from when he came to Argenta? A No, sir, I heard him tell

Mr. Pender: I object to that.

A I never heard him say where he came from before he came there.

Q Do you remember anything about a war down there, known as the Brooks-Baxter war? A Yes, sir.

Q When did that take place? A That was in '74, along in '74.

Q Was that after George was appointed constable, or before?

A Before; after he was appointed constable.

Q He was acting constable before the war? A Before the Brooks-Baxter war, yes, sir.

Q And you think that war was in '74? A Yes, sir.

Q Now then, about how long did he stay there after the war; do you remember when he left? A After the Brooks-Baxter war, no, sir, I can't designate how long he stayed there.

Q Did he stay there any time, to your knowledge? A Yes, sir, after the war he stayed there sometime.

Q Do you remember any circumstance connected with his leaving, or anything that caused you to know anything about his leaving? A Yes, sir, I believe I can state this; that he lived right there after that at his mother-in-law, Mrs Sarah Beach was his mother-in-law, and along about that time he was talking about leaving and sent for her son to come and assist the old lady because he was going to leave.

Q What was his son's name? A Ed Beach was the son's name.

Q You know his family? A Yes, sir, I played with them.

Q Did he have his family there with him in Argenta? A Yes, sir.

Q About what connection the mother of his family, as near as you can come? A He had two sons and a daughter, the daughter died there

Allyra she was there, McKim was her name.

Q Do you remember the other Maryanna daughters names? A Yes, and the other one's name, I can't exactly remember the other one's name.

Q What was the sons name? A Jim and Hewt.

Q Do you know where Jim is now? A Yes, sir.

Q Where is Jim? A Down there right in Little Rock.

Q About how long has Jim lived there? A Jim has been living there about a year, nearly a year since he has been back. Jim has been away some time.

Mr. Faulder: I object to that, it is immaterial in this case.

Mr. Faulder: Are not some tables elected over there now? A Yes, you mean?

Q Yes? A Yes, sir.

Q They run for that position and are voted for? A Yes, sir.

Q That has been the practice ever since the Brooks-Baxter war?

A Yes, sir, I believe it has.

Q But at the time of this war they were appointed by the Governor? Governor Hadley appointed a number of men to act as constables. A Yes, well McKim was appointed there.

Q That is, he was appointed by Governor Hadley; well you say he just came there and then he began to act as constable? A Yes, sir, I didn't say he just came there.

Q Well, how long was he there? A I can't just designate the time he was, but it was something, let's see, something over a year, something more or less that he was back there, but I don't know just exactly the time, I can't tell.

Q Did you ever see him doing any work there besides act as constable? A Yes, sir, he run a little eating house there; he never was much of a man for working.

Q Never was much of a man to work? A He was a pretty chary man, had other ways of living I suppose; he run an eating house there.

Q Was that the time he acted as constable too? A Well he run a little shebang during the time he was constable.

Q Did you ever eat there? A I don't remember eating any meals there at all, I didn't eat there, I had a horse.

Q He was carrying on a thriving business, acting as constable and running an eating house? A I suppose that is what he was doing, running a little house on something.

Q You live over there now, do you? A Yes, sir.

Q Ever got into any trouble over there? A No, sir, I haven't been in any serious trouble any time.

Q Been arrested? A Let's see, no, sir, I have never been arrested since I have been in there, I don't think.

Q Before you came in there? A No, sir.

Q Never arrested in your life; now tell the truth? A Let's see, if I ever been arrested; I don't think I was only the walking there they made once in the past, my father had it done, tried me for not working the roads, public roads.

Q You were lazy, weren't you? A No, I didn't want to work and I didn't suppose they could make me work, but they did make me.

Q How old did you say you were? A Yes, sir, I am going on 47 in my next year.

Q Were you married when McKim was there as constable? A No, sir.

Q What makes you appoint out year 1872, what makes you put it at that year? A That was the time we lived there on the place, we were living at the King place.

Q You say you think it was that year? A Well, I know it is the year he lived there, I know that was the time, the first time I got acquainted with him.

Q Can you read and write? A Yes, sir.

Q The man who had it his name he quit that position of constable?

Q Did you ever see him there? A Oh yes, sir, I was in there

times, at his house several times.

Q How long afterwards do you say he went away? A I don't know, I can't designate the time he left there.

CHARLES TOLLIVER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence?

A Charles Tolliver; 47 years of age; live at North Little Rock, Argenta, used to be.

Q How long have you lived in North Little Rock? A Ever since '69.

Q Since you have been living in Little Rock, or Argenta as it was some years ago, did you ever know a man by the name of George W. McKamy, a colored man? A George McKamy, yes, sir.

Q About when, as near as you can remember, did you get acquainted with him? A Well, they emigrated a great deal here from Alabama, came here, about four or five hundred colored people, and he came along about that time, about '71 or '2, along about that time.

Q Did you ever hear him say where he came from when he came there?

A He used to be a constable, and he is a great man for roughness, and he was a great man for imposition, and he used to speak to a man and say, don't bother South Carolina, or North Carolina, and put his hand back of his coat and show his gun.

Q He left it to be understood he came from there - - -

Mr. Faulds: I object to that.

Q - - in that country where they made men stand around with their guns? A Yes, sir.

Q Did he occupy any official position down there? A He did, yes, sir.

Q What was he known as? A Constable.

Q Do you know what the name of the township was, the name it was known by at that time? A Well, it was Eastman township, it stands that way I suppose.

Q Now, did you know him before he appointed constable, or after he was appointed constable? A That was before he was appointed.

Q About how long before he was appointed constable did you get acquainted with him? A Before Brooks-Baxter war I think he was arresting people around there and beating up people.

Q I am speaking with reference to his being constable, or acting constable? A He was acting constable at the time.

Q He had his family there? A Yes, sir.

Q What was his boys name? A Jim McKamy and Newt, and I have forgot the rest of the children, he had some grandchildren, and one drank some whiskey and died; he lived there above Mat LaMoyné and McNeal lived on the other side of him.

Q Do you know anything about his son now, where he is? Newt?

A He is in Texarkana, somewhere around in there.

Q Do you know where Jim is? A Lives in Argenta.

Q Does his family live there? A Just married about a month or two ago, yes, sir.

Q When was the Brooks-Baxter war? A In the spring of '74.

Q Was McKamy there after the Brooks-Baxter war? A I don't know how long he was there, he had to run away from there, though, and I think it was in '75.

Q What did he run away for? A I don't know, they got after him and run him away.

Q Did you ever know him in Argenta by any other name other than George W. McKamy? A Never did know nothing but George McKamy.

Q When did you first learn that he ever had any other name? A I was in Indian Territory, and he was living there.

Q When was that? A It was in '93, I lived here three years and six months.

Q Were you up in this country yourself? A Yes, sir.

Q At what point? A Fort Smith

Q You found then he went by another name? A Yes, sir.  
Q Did you learn what that name was? A Vahn, or something.  
Q Have you seen the man, since you came here, that was known as George McKamy in Argenta? A Yes, sir, I saw him this morning, same great big black fellow, and he has got a son the same size he is.  
Q And the same man you knew down there that acted as constable?  
A Yes, sir.  
Q And that was before the Brooks-Baxter was that he acted down there?

Mr. Faulds: He didn't say that.

A In '74 when I first knew him being a constable.  
Q Did you now say you knew him when he was appointed constable?  
A I didn't say I knew him before he was appointed constable.  
Mr. Faulds: He was acting as constable when you first knew him, got acquainted with him, McKamy was acting as constable when you first got acquainted with him? A How could he be, he wasn't no constable then; how could he be constable in '71 or '72, how could he be a constable then.  
Q You lived in Little Rock since '69? A That is right, yes.  
Q How old were you when you went there? A I don't have any limit of that at all, I didn't tell that.  
Q Well, how old are you now? A I told you I was 47.  
Q How old would you be when you went there? A You can figure it up there.

Q You can't figure it out? A You can figure it out too can't you?

Q Well, if I took the time? A Well, that is your business; I told you I am 47 and you can figure it out.

\*Q Do you know when the war between the United States and the Confederacy broke out? A No more than what I have seen folks there that was in time of the war, at my mistress's house.

Q What year was it the war started out? A I can't figure it out, I know they were there during the war, at my place.

Q Do you know when the war started? A They say it started in '61, I don't know when it started.

Q When did it end? A I don't know, I can't tell you.

Q You don't know that? A Some folks say it ended about '65, I don't know, I am not looking at them things at all.

Q Well how long did you know McKamy over there? A Well you can count up from '71 or '72 to '74, you can tell when that was.

Q He left there in '74 did he? A Somewhere in '74 or '75 he run away from there, I don't know how he got away.

Q You say it was sometime in '72, '74 or '75 he went away? A No, sir, I didn't say that, I say between '74 and '75 ~~before~~ the Brooks Baxter war first these fellows got after him and was going to kill him.

Q Did he leave there right after the Brooks-Baxter war? A Yes, sir.

Q Were you well acquainted with him over there; did you visit his place? A I told you I stayed around his house, I played with his children, I guess I did, I stayed there with them and played with them all the time.

Q Do you elect your constables over there now? A I don't know how these white folks do.

Q You are living over there now? A There is no negroes over there now, there are all white folks, they do as they please.

Q They elect them? A I don't know, the man is in the place.

Q Don't you have any elections over there? A I don't know anything about that.

Q Do they elect the white people? A I guess they do, nominate them or something.

Q Do you ever vote there? A Didn't I tell you they don't allow anything like that; they put them in some way, they appoint them somehow.

Q They treat you colored people badly over there. Did you ever vote over there yourself? A I have voted over there, for President.

Q Don't vote for anything else but President? A No need to vote for anything else but President.

Commission (to stenographer): Don't put all these immaterial questions down.

Mr. Davenport: Do you know Annie Greer? A That is my sister in law.

Q Did you know her at the time she had the trouble with her husband down there? A Yes, sir.

Q What year was that? A I don't know, it was in '88 or '87 somewhere in there.

Q Was George McKamy acting constable at that time? A No, sir.

Q Do you know what her name is now? A Annie Green.

Q Do you know of her having any trouble there in Argenta and being arrested and accused of killing her husband other than that time?

A No, sir, she has never killed anyone but that one.

Q Was she ever accused of killing anyone but that? A No, sir, she come clear of that one.

FANNIE MOORMAN, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A Fannie Moorman.

Q How your age and place of residence? A I live in Argenta.

Q How old are you? A About 45.

Q What name is Argenta known by now, if any other than Argenta?

A Part of it is called North Little Rock, and the place I live in is not incorporated, it is called Military Heights.

Q How long have you lived in Argenta and near Argenta? A I have lived right around in Argenta and near Argenta, I was raised there.

Q Well, since you have been big enough to recollect, did you ever know a colored man down there named George McKamy? A Yes, sir.

Q About how long have you known him? A I have been knowing George McKamy quite a while, a great while.

Q Did you ever know him by any other name than George W. McKamy, or George McKamy? A No, sir.

Q Have you seen that man since you came up here? A Yes, sir, several times since I have been here.

Q Is he the same man you knew down there as George W. McKamy?

A Yes, sir.

Q Do you know what name he is going by now? A I have heard several times since I have been up here.

Q Is it represented to you that he goes by the name of George W. Vann up here? A Yes, sir.

Q Have you seen that man this morning? A Yes, sir, I saw him several times this morning. When I was up here this morning he was was there under the tree with his little black grip sack.

Q Did he ever hold any official position down there? A Yes, sir, he was constable down there.

Q Do you remember the township or not, or what it was called?

A No, sir, it is called - -

Q How long did you know him, if at all, before he was acting constable? A Yes, sir, I know him a while before he was acting constable.

Q About how long? A About the rise of the year I suppose, something like along in there.

Q Something like a year? A Yes, sir, something like that.

Q Do you know what was known and called in your country as the Brooks-Barter war? A Yes, sir.

Q Was George McKamy acting constable before the Brooks-Barter war broke out? A Yes, sir, he was a constable before the Brooks-Barter war.

Q Do you remember about that year the Brooks-Barter war broke out?



A No, sir, I don't remember the year.

Q You had known him something like a year before he was appointed constable? A Yes, sir.

Q And he was acting constable before the war broke out? A Yes, sir, was acting constable before the war broke out.

Q About how many years altogether, from the first you got acquainted with him, did you know him, till he left Argenta? A In all till he left Argenta, as high as three or four years anyway, I suppose.

Q Did he make any crops or work around Argenta? A Yes, sir, he made two or three crops around there.

Q Had he made any crops before the Brooks-Baxter war, do you know?

A Yes, sir, before the Brooks-Baxter war.

Mr. Phillips: That is a leading question.

Q Near whom did he live when he was living in Argenta, if you remember the names of the families? A He lived a good while, I can't say how long, by the side of Nat Laffoyne.

Q That the gentleman who testified a while ago? A Yes, sir; and then he lived a good while by Mandy Yarbrough.

Q Now what relation is Mandy Yarbrough to Annie Green now, who was formerly Annie Green, if she is any? A She is her mother.

Q Did you know George W. McKamy's family when they lived in Argenta?

A Yes, sir, I was very well acquainted with his wife, his mother-in-law, his brother-in-law, and knew the children, some of the children I knew the names; now it has been so long I can't call all the children's names.

Q What was some of the children's names you remember? A He had a boy named Jim McKamy, and he had another Luke, and he had a girl named Mary Jane, and his wife was Mary Jane.

A Did he have any other girls, you remember? A Yes, sir, one or two, and I disremember the names.

Q Do you know where Jim McKamy and his family reside? A About a mile or a mile and a half from me in Argenta.

Mr. Phillips: Did you ever apply to be enrolled as a Cherokee Freedman? A Did I ever; no, sir.

Q You are a colored woman, aren't you? A Yes, sir, I am a colored woman.

Q Were you well acquainted with old George over there? A George McKamy; yes, sir, I was pretty well acquainted with him.

Q Were you married at the time you knew him? A Yes, sir.

Q When, regard this disturbance first started, during this Brooks-Baxter war? A Well now I can't tell you anything about the starting of that, I only aim to tell you the truth.

Q How long did it continue? A You may be sure a woman can't really tell you how long it continued, because time of the shooting a woman would be some other place.

Q Any actual fighting over there? A Yes, sir, a good deal of shooting.

Q Was anybody killed? A Yes, sir, I always heard someone got killed, see that I saw them.

Q There was a great deal of disturbance, great deal of talk about the war? A Yes, sir, there was a good deal of talk when the two men Brooks and Baxter, this one wanted the seat and the other wanted the seat, and there was a great deal of talk in that direction.

Q It was during this talk that McKamy began to act as constable, wasn't it? A During this talk he began to act as constable.

Q This talk about having trouble between these two men? A Well I don't know, I don't see, I don't know whether the time of this great talk was about the war or not.

Q How long did he act as constable? A Well, I don't know, he

acted some little time, I don't know, I can't really say, not expecting anything like this kind would ever come up.

Q Did you ever know McKamy before you saw him there? A Before I saw him in Argenta, no, sir, never till I saw him in Argenta.

Q He went away from there, did he? A Yes, sir, he run - he went away from there.

Q You remember the date he went away? A No, sir, I don't know anything about the date that he went away only I know when the great talk was he had run away from there.

Q What did he run away from there for? A I don't really know what it was he run off for, but I know he run away and slipped back in there to get his family.

Q You ever seen his wife since she left there? A No, sir, never seen her since she left there; since she left there, I heard him come in on an excursion and they passed my house, but I never saw him, and I spoke and says, there goes Mrs. McKamy, but I didn't speak to her.

Q When this Brooks-Baxter was war ever did they elect their constables or appoint them, do you know that? A No, sir, only I know when the constables would come out like that, and they would say so and so is constable.

Q They don't allow you to vote down there? A No, sir, they don't allow us to have anything to do with politics, and I have less to do than anyone.

Q You don't know how many years McKamy stayed there? A No, sir, but I know he was there some time, between two and three years, he made two or three crops there and you can't make two or three crops in one year.

Q He made a crop at the same time he was acting as constable?

A I don't know whether he did, don't know whether he was acting as constable and making a crop.

Q You can't swear he wasn't making a crop at the time he was acting as constable, or having others to make a crop for him? A I don't know whether he was making a crop or not.

Mr. Davenport: I don't know whether I understood you when you answered Mr. Faulds' question as to whether or not you were married when you first acquainted with McKamy? A I remember him after I was married and I told him yesterday.

Q Do you mean by that you were married when you first knew McKamy's family? A No, sir, when I first knew McKamy's family I wasn't married then.

J. J. BEAVERS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence? A My name is J. J. Beavers; 45 years old, and I am now residing at Muskogee, Indian Territory.

Q Where did you formerly live before going to Muskogee? A I lived at Benton, Arkansas.

Q How long did you live in the State of Arkansas before going to Muskogee? A All my life.

Q You were living in the State of Arkansas then at the breaking out of what was known as the Brooks-Baxter war? A Yes, sir.

Q I wish you would state to us as near as you can, the date of the Brooks-Baxter war? A I don't know the exact date, of course, it was sometime in the spring of 1874.

Mr. Faulds: You say the actual fighting began in the spring of 1874? A Yes, sir.

Q There was a great disturbance before that, and talk of a conflict? A No, sir, the spirit of ouster there that Brooks obtained against Baxter came as a sudden slap; nobody was expecting it at all, I

wasn't and there were others at my town were not expecting it at all.

Q Well this suit had been brought and there must have been some connection when this suit was first begun? A Well, I can only speaking from information as to what I know as to how that matter went along, I know from information how the matter went along, but of course I wasn't present when the suit was begun or anything of that kind.

Q How far is this place, Benton, from Little Rock? A 23 miles.

Q Do you know whether they elected their constables over there or appointed them? A Now?

Q Yes? A They elect them, since the constitution of 1874, which was adopted in the fall of '74, and before that they were appointed.

Q And before that they were appointed you say? A Yes, sir.

Q And ever since '74 they have been elected? A Yes, sir; of course when there are vacancies they are appointed; that amendment was adopted in the constitution of our state two or four years ago, so that they are not appointed when there is a vacancy.

Mr. Davenport: From the war up to 1874, the adoption of the constitution, they were appointed - constables? A Yes, sir, that is my understanding.

Q Was there or was there not any demonstration of war between the Brooks party and the Baxter party in the State of Arkansas, until after Judge Whitcomb issued the writ of habeas corpus against Elisha Baxter?

A It wasn't Whitcomb, it was Whylock; not, sir, not to my knowledge, I was in that one right straight and I expect I would have been in it if there had been one; of course I can give my understanding of how I understood the matter was to be determined, but that probably wouldn't be competent.

AMANDA YARBROUGH, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name? A Amanda Yarbrough.

Q Where do you reside? A Willis Street, North Van Buren, in Argente, No. 700.

Q How old are you? A I put myself to be 54 or 's.

Q Don't exactly know how old you are? A No, sir, I don't exactly know.

Q How long have you resided in Argente, or North Little Rock?

A Well, it is all the same, it is in Argente.

Q How long have you lived there? A I can't tell you exactly how many years I have; at the old home place where I am living, I have been living there 25 or 26 years, where my husband died and left me.

Q Did you live at any other place in Argente before you moved to the place you are now living? A Yes, sir, I lived down on the river near the school house when I first settled in Argente.

Q When you first lived on the river at the school house, did any colored man by the name of George W. McKim live near you? A Yes, sir.

Q About when was it you lived down on the river there, about how many years ago? A Well, it has been something in the neighborhood of where I told you, I moved from there right up there to the crossing and made a crop there, right there, and I moved from the crossing right at the old home place.

Q Did this man George W. McKim, that lived near you, ever occupy any official position in Argente, or North Little Rock? A Yes, sir, he was a constable, and then he ran a kinder saloon in Argente.

Q Did you get acquainted with him before he was constable? A Low, yes sir.

Q How long had you known him before he was appointed constable? A It was several years, I guess, I can't designate the years.

Q What, if anything, in the way of labor, did he do before he was appointed constable? A He made I think two or three crops.

Q On whose place did he make a crop? A I can't tell the men's

name, it was an old settler near the Choctaw depot.

Q You knew him then sometime before he was appointed constable?

A Yes, sir.

Q Can you remember when the Brooks-Baxter war came on? A Yes, sir, a little bit, I can't remember what year, I think it was '74, in the spring.

Q Was George W. McKamy acting as constable before the war? A Yes, sir.

Q How long did he stay there, do you know, after the Brooks-Baxter war? A I can't estimate the time, but he didn't leave there till after the war.

Q Did you ever have a conversation with George McKamy, or hear him have any conversation with anyone else in your present, as to where he came from when he moved to Argenta? A Yes, sir.

Q Where did he say he came from? A From Alabama, from Stevenson, Alabama, and Roach Cave, he has got a brother-in-law down there now.

Q What is the name of his brother? A Ed Roach.

Q Did you know George W. McKamy's family? A Mary Jane?

Q I don't know which one? A Well, that is his wife, old Aunt Sallie Roach's daughter.

Q Did he have any children? A Yes, sir, has Jim and one named Mary Jane, and one named Almyra, and Next, had two grandchildren there.

Q Well, have you seen the man since you came up here that was known there as George W. McKamy? A I seen him this morning.

Q Is that the gentleman sitting behind you (indicating)? A Yes, sir, he was down at my house not long ago.

Q What was it you said about his being at your house not long ago?

A When he was at my house, he was down I suppose, I don't know his business, but he called there I know.

Q When was it he called? A It was in this month I think.

Q The last few weeks? A Yes, sir, it hasn't been over three weeks; in this month or the last of last month when he was at my house on a Sunday morning, him and his oldest son.

Q What is his son's name? A Jim!

Q Where is Jim living? A I don't know where Jim is living at, but Jim came up the road last Friday night or Saturday night.

Q Where had he been living prior to that time? A Right there.

Q In what country? A Right there close to me.

Q In Little Rock? A No, sir, Argenta, I don't live in Little Rock, north of Little Rock, the river divides us.

Q Did you ever know George W. McKamy, or the man known as McKamy, by any other name? A No, sir, when he came from Alabama he came there as George W. McKamy.

Q What was he when he lived there? A That was what he was, McKamy.

Q When he came to your house three or four weeks ago, what name was he going by? A I called him McKamy like I always did.

Q Did he say anything about his name being changed? A No, sir.

Q Have you heard since you came up here about his name being changed? A Yes, sir, I got in an argument with some ladies up here.

Q What name did you hear he was known by up here? A George Vann, that was a strange name to me, I didn't know him as that.

Q Have you a daughter named Annie? A Yes, sir.

Q Was she known at one time as Annie Green? A Yes, sir.

Q What is her name now? A Green.

Q She had some trouble with her husband once? A Yes, sir, and killed him too.

Q Can you tell that fact? A No, sir.

Q Who was acting constable of the township at that time? A Mr. Deery and Mr. Rube Payne. He is our deputy now.

Q Do you know who made the arrest in that case? A Yes, sir, Mr. Deery and Mr. Rube Payne I told you.

Q Did George McKamy have anything to do with it? A No, sir, he wasn't there, there ain't no use talking that way, he wasn't there, he

had done left there after the Brooks and Baxter war, I told you.

Q When he was down there the other week, was anything said about his claim up here for citizenship, as a freedman of the Cherokee Nation, did he say anything about that? A He said a little about it, talked to somebody else, said he had 160 acres of the best land up here, and I thought if they gave him that much that they ought to give me a little, because I am a poor widow woman.

Mr. Faulda: Did you ever apply to be enrolled as a Cherokee Freedman? A I don't know how.

Q Don't know how? A No, sir.

Q Your daughter Annie applied, didn't she? A I don't know what she done, I haven't been up here to see her, I haven't seen her in ten years before Wednesday morning.

Q She always claimed to be a Cherokee Freedman? A I don't know what she is, I know what I am.

Q You are colored? A Yes, sir, born colored and never changed.

Q You were born in Tennessee? A Yes, sir, and at Anderson Station, ten miles above Stevenson, Alabama; old John Anderson.

Q When did you come to this country? A Mister, it has been so long I just can't tell you, I have been here for a time.

Q Did you come here before the war? A I come here since I have been freed, I never come here before any war, I never left home because I was afraid I would starve to death.

Q You came here after the war between the Confederacy and the United States?

Mr. Davenport: I would suggest you state she came to Arkansas.

Q You came to Arkansas from Tennessee after the war? A Yes, sir.

Q How long after the war? A I can't designate the years after the war, but I came here after the war, my father was the cause of my coming here, leaving home.

Q Was that five or six years after the war? A Yes, sir, somewhere along there.

Q Ten years after the war? A I can't tell you how many years after the war.

Q You have no idea how many years it was? A No, sir, I can't.

Q Might be ten years? A Yes, sir, and might have been longer, I can't tell you.

Q Probably longer than ten years? A I can't tell you how long it was, I didn't come here to tell any tale, I came here to tell the truth.

Q Where was the first place you ever saw McKamy? A In Argenta.

Q That is the first you ever saw him? A He came there to his mother-in-law's.

Q His mother-in-law was living there? A Yes, sir, lived right near me, right door neighbors to me, and Mat LaMoyné and Ed Kirby, and McKamy lived on the back and I lived on this corner near the school house, there is where he settled when he first come to Argenta.

Q Do you know what year that was in? A No, sir.

Q You don't know what year it was you saw him there in Argenta the first time? A No, sir, it was long before the war though, Brooks and Baxter war, and he left there after that. Yes he will tell you he lived right there by me door neighbors, his children and mine played together; when I came here I didn't bring but three children, neither.

Q How old is Annie? A She can tell you, her record is right at home, the youngest is 27, going on 28, he was 9 months old when I came to this country.

Q Did George McKamy, or George Vann, marry his wife in Alabama?

A Mary Jane he did, yes sir, he brought Mary Jane to Argenta.

Q Went over there to get married and brought her to Argenta? A I don't know anything about going to get married, he didn't go over there he was over there.

Q You see them start from Alabama? A No, sir, his brother-in-law --  
Q I am asking you about what you know? A I never saw him, I saw him after he moved there before he brought this wife with him, he brought Mary Jane with him to Argenta.

Q Did you ever see him before he brought his wife there? A No, sir, I never seed him that I know of.

Q Now when did he bring his wife there? A He brought his wife there when he came himself; I can't tell you when he came there, but he lived there, he lived there with the same wife, Mary Jane, that is all the wife I ever knew him to have.

Q Were these crops he was making in the Cherokee Nation? A I never said no Cherokee Nation, I don't know anything about no Cherokee Nation; don't ask me that I don't know.

Q Was he making crops over there at the time he was acting as constable? A He was in Argenta when he was acting as constable.

Q I say, was he making crops? A He was running kinder of a restaurant.

Q Wasn't he ~~kind of~~ justice of the peace? A Henry Sutton and Squire Glass was ~~kind of~~ justice of the peace.

Q Wasn't George McKamy acting as justice of the peace over there? A I don't know anything about the justice of the peace, he was acting as constable, him and Charlie Humphreys.

Q Your daughter Annie Green swore he was acting as Justice of the Peace in Argenta? A He was constable, I know that, Henry Sutton was justice of the peace; McKamy went out and arrested people.

Q After McKamy went out, did you ever see him back? A Yes, sir, he was down there not long ago.

Q Did you ever see him there in '85 and '87? A I don't know sir whether he was there or not, I don't remember it.

Q Ever come around and talk to you? A No, sir, the first time I saw him to talk to him he came down there a few weeks ago.

Q Didn't McKamy come down there and move his mother-in-law, Sallie Roach, up here in the Cherokee Nation? A McKamy was kinder scared to come down there, for some cause.

Q Answer the question? A I never seed him come down there and move her up here.

Q Do you know Sallie Roach? A She is dead, I can't know the dead.

Q Where did she die? A They say she died up here at George McKamy's house.

Q When did she leave there? A I don't know, I think he sent for her and her brother-in-law put her on and sent her up here to Fort Smith, I don't know that.

Q How many years ago was it she left there? A I don't know.

Q 15 years ago? A I don't know, I can't tell you.

Q You want to get on the roll and get 160 acres of land? A If you are going to give it to me, I will take it.

Q You think you are entitled to it? A I am entitled to all I can work for and that I can hold a claim to.

J. H. BOWERS, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. H. Bowers.

Q What is your age? A 63.

Q Where do you live? A Muldrow, Indian Territory.

Q Mr. Bowers, how far is Muldrow from Fort Smith, Arkansas? A Well it is about, at least 12 miles and a half.

Q It is west, or a little north of west? A Fort Smith is nearly east of Muldrow.

Q How long have you lived in the section of the country between Muldrow and Fort Smith, Arkansas? A 34 years.

Q And you came there the next year, about two years after the war, in '67? A Yes, sir.

Q Where did you first locate, Mr. Bowers, when you first came there? A Right on the river bank opposite Fort Smith.

Q On the Cherokee Nation side? A Cherokee side.

Q What did you do for the first few years after the war? A Well, I was farming part of the time and was deputy marshal; that is, farming on a small scale and deputy marshal for about six years.

Q When did you move up above there; didn't you keep a boarding house up about half way between? A In '75 I moved up about nine miles west of Fort Smith on the Muskogee and Fort Smith wagon road, the stage road, called the Nine Mile House.

Q Prior to that time, from '67 to '74 or '5 you lived between the Nine Mile House and Fort Smith? A I lived in the river bottom about between four and five miles above Fort Smith.

Mr. Faulds: I object to this testimony on the ground that this witness has already testified to the same effect.

Mr. Hastings: I don't reckon you know what we are going to bring out.

Commission: The objection will be noted and the witness permitted to answer the questions.

Q State whether or not you enjoyed an extensive acquaintance with the people around in that section of the country ~~from '67~~ for the six, eight, or ten years after the war? A Yes, sir, I did.

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

Q Did you ever know him by any other name? A No; from what I have heard, he had another name; I didn't know him by any other name only George Vann..

Q How far does he live from you now? A He lives about eight miles

Q How far does he live from that place, that Nine Mile House that you used to keep? A He didn't live in that country when I used to live at the Nine Mile House.

Q I mean how far does he live from that house now, not then?

A About six miles, or seven, when I became acquainted with him.

Q When did you first become acquainted with him? A Nine miles, it is eight miles.

Q I mean now; the question is, when did you first know George Vann, when did you first see him? A About '77 or '8; '77 I think it was.

Q You lived in that neighborhood from '67 to '77 did you? A Yes, in that part of the country.

Q State whether or not you knew all the darkies in that country between '67 and '77?

Mr. Faulds: I object to the question as leading.

Commission: Let him answer the question; the objection will be noted.

A I knew every colored man in that country down in that river bottom at that time, down from '67 to '75.

Q State whether or not this George W. Vann lived in that country between those dates? A I never knew him, never saw him there in that part of the country there during that time.

Q Was the country thickly settled at that time, Mr. Bowers? A No, very thinly settled.

Q State whether or not people noticed about strangers coming in then more than they do now?

Mr. Faulds: I object to such a question as what; what does he know about it.

Commission: The objection will be noted; let the question be answered.

Q State whether or not the people noticed the coming of strangers more than they do now? A They knew right off at that time of the coming in of strangers; there were very few white people in that

country at that time, and what colored people were in there at that time were Cherokee freedmen, and belonged in there.

Q Could this man George W. Vann lived there for ten years in that neighborhood without your knowing it? A No, sir, he couldn't.

Mr. Faulds: When did you say he came there? A In '67.

Q Where did you come from? A Lived over in Fort Smith

Q Came from Fort Smith over there in '67? A Yes, sir.

Q How long did you live at Fort Smith? A About a year and a half.

Q Just before you came over there to Muldrow? A Yes, sir.

Q Where did you come from to Fort Smith? A From Kansas City, in '66.

Q Came from Kansas City in '66? A Yes, sir.

Q Had you ever been in Fort Smith before you came there that time?

A Yes, sir, I was there during the war, I was a soldier.

Q What was your occupation in Fort Smith; deputy marshal? A No, not that time when I lived there, I was working for the government.

Q What occupation, what capacity were you working for the government? A Well I drove a six mule team a while, drove an eight mule team, and then I was made time keeper in the machine shop there of all the laborers and mechanics; that is the last job I had under the government.

Q You know all the colored people that came into Fort Smith at the time you were living there? A No, sir, I did not.

Q Do you know whether or not McKamy was a cook on the boat that carried soldiers up here in Fort Gibson time of the war? A No, sir, don't know anything about it, never heard about it.

Q Well, you testified before in this case, didn't you? A Yes, sir.

Q Just to these same facts? A Near the same.

Q You are here to swear the same thing over again, to make it all the stronger? A (No response.)

Q You say it was '72 you first got acquainted with McKamy? A When I first got acquainted with him was '77.

Q What was he doing then? A I don't know what he was doing then, he was down in the bottom doing something, I don't know what he was doing, I saw him there at the landing opposite Fort Smith.

Q Was't doing anything at all? A I don't know what he was doing.

Q What was his name, George Vann or McKamy? A I always heard him called George Vann.

Q Right there at the landing at Fort Smith? A Opposite Fort Smith, what we call the landing is the ferry landing on the Cherokee side.

Q Was he dressed up as a preacher or doctor or farmer? A I don't know whether he was dressed up as a farmer or preacher; I can't say, I saw him there talking around there.

Q You knew him to be a preacher down there? A I have heard it said he was a preacher, I don't know it.

Q Well, you married a Cherokee Indian yourself, didn't you? A Yes, sir.

Q And she died? A Yes, sir.

Q Did you marry again? A Yes, sir.

Q Married a white woman? A Yes, sir.

Q And you are claiming citizenship still, aren't you? A Well, I haven't set up any claim to citizenship.

Q You intend to? A I don't know what I intend to do.

Mr. Hastings: Qe are not trying his case.

Mr. Faulds: Didn't you tell me the other time that you were a citizen of the Cherokee Nation? A No, sir.

Commission: I don't think that should go in the record,

we are not trying his case, as Mr. Hastings said.

Q Didn't you say in your testimony before you were a citizen?

A No, sir, I did not.

Mr. Hastings: What official position do you hold now, if any?

A Postmaster at Muldrow.

Q Been postmaster there once before? A Postmaster under the Harrison administration four years, and going on five now under the



Present administration.

Mr. Faulds: I object to this testimony, on the ground that the witness was called to testify to the same facts he testified to last spring

Mr. Hastings: The attorneys for the Cherokee Nation desire to serve notice on the applicant and his attorney that additional testimony on behalf of the Cherokee Nation will be taken before the Commission on to-morrow, September 12, between the hours of eight o'clock, A. M., and five o'clock, P.M.

Mr. Faulds: Well we might offer some. I give notice that we will offer some testimony to-morrow on the part of the applicant.

Mr. Faulds: The applicant offers in testimony the judgment of the United States Court at Fort Smith, Arkansas, Judge Parker presiding, in which George W. Vann was charged with cutting timber on Indian lands, and it became material to know whether or not he was a Cherokee citizen, —

Mr. Hastings: You are making an argument; state what you offer and leave that out about the argument, and argue that later.

Commission: State briefly what you want to offer.

Mr. Faulds: We offer the record of the said court. The judgment is dated January 10, 1886, the record of the court holding that George W. Vann is a citizen of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation objects to the introduction of the record, because the same was ex parte and the Cherokee Nation was not a party to it.

Commission: The objection is noted and the document will be filed.

Mr. Faulds: I desire to state that this judgment is evidence on two grounds, first —

Mr. Hastings: I will object to that; the record should be unencumbered with it.

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

Bruce G. Jones

Sworn to and subscribed before me this the 17th of September, 1901.

*J. M. Green*  
*MP*  
Commissioner.

Supl.C.F.-D.#115.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Vann, et al., as Cherokee Freedmen, the following testimony is introduced on the part of the Cherokee Nation.

APPEARANCES:

Applicant present in person and by Attorney J. F. Faulds;  
W. W. Hastings, Attorney for Cherokee Nation.

DELIA A. BREWER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

- Q What is your name? A Delia A. Brewer.
- Q How old are you, Mrs. Brewer? A I am 67 years old, last February.
- Q What was your maiden name? A Delia A. Vann.
- Q What was your father's name? A Joseph Vann.
- Q Where did you live before the war? A I lived at Webbers Falls Canadian district.
- Q Is your father the same Vann that was blown up on a steam boat?
- A Yes, sir, he owned two steam boats.
- Q Where was he blown up? A Near Louisville on the Ohio river.
- Q You have some brothers and sisters? A I am all alone.
- Q I mean you did have? A Yes, sir, my mother had ten children.
- Q Did you have a brother by the name of Jim? A Yes, sir.
- Q Jim Vann? A Yes, sir.
- Q Was Jim Vann married? A Yes, sir, he married Araminta Ross.
- Q Where did Jim Vann live at the breaking out of the war? A I think he was living at Tahlequah.
- Q Was his wife living at that time? A Yes, sir.
- Q You were living at Webbers Falls? A Yes, sir.
- Q Were you married before the war? A Oh, yes, three children before the war.
- Q Had your brother, Jim Vann, any slaves that were freed?
- A Yes, sir.
- Q Do you remember their names? A I am so forgetful, I would know the names if they were called over; I remember the oldest negro woman named Hannah and Bill, but the children, I have forgotten the names. Yes, there was a child I owned a while, Jennie, and I think Emerson bought her.
- Q Do you know this applicant over here who gives his name George W. Vann? A Is that him right there (referring to applicant)?
- Q Yes, Ma'm? A No, sir.
- Q Did he ever belong to your brother, Jim Vann? A I guess not, Bill and Hannah was the oldest darkies they drew from our estate and of course he would be about the age of Bill, he claims to be George Washington?
- Q Yes Ma'm? A I told this court before that there was not one George over about our place, and I am the lady that owned him.
- Q You owned him? A Yes, sir; I drew him from the estate.
- Q What became of that George? A He was drowned up in Kansas, as his brother told me.
- Q You know that this man is not that same George? A Of course I do, you don't claim to be that George?
- Q Well, you know that there is but one George that belonged to the Joe Vann estate? A He didn't have Washington to his name at all, he was a splendid darkey too.

Q About how old was that George Vann when the war came up?  
 A He was about my age I guess.  
 Q Then if he was living now he would be about 57? A Between 50 and 70 somewhere; old Daniel might know but they tell me he is dead, his brother.  
 Q When did you first see this man here? A I saw him here when I came to testify in his case before.  
 Q During the Kern-Clifton? A He was pointed out to me; he looked to me younger than he did then.

BY MR. FAULDS:

Q Where were you born, Mrs. Brewer? A I was born in Springplace, Mays County, Georgia, where the Georgians disposed the Cherokees in '34; is that explicit?

Q When did you emigrate to this country? A In '39.  
 Q When did your father emigrate here? A He did; I came with him; his parties was brought down with a detachment of Cherokees. He was funny and would not let the Government feed them; he owned over a hundred.

Q You say your father owned a hundred slaves when he started from Georgia? A I didn't say he did them, but I know about it when he died.

Q You say you were born in '34 and you came here in '39? A Yes, sir, I remembered it because I described the matters minutely to my mother and brothers and they claimed I remembered it very well; I know nothing about Georgia; we had to go to Tennessee.

Q Did he fetch all his slaves here when he came on the steam-boat?  
 A He didn't come on a steam boat, my father had a keel boat and we came on that.

Q You being only five years of age at that time, would you undertake to say how many slaves he brought with him to this country?  
 A No, sir, I will not.

Q It might have been 200? A No, sir; so George Washington says.

Q Well, I understand that some people say there were 178 slaves he owned, are you prepared to dispute that? A I think I am; he sold some.

Q Well, the year 1850; was he dead then? A In 1850?

Q Yes? A My father was killed in '45, when I was ten years old the spring previous to his death.

Q Well, did you know how many slaves he had in '44 at the time of his death? A About 200 hundred.

Q Well, he had a hundred then when he came here? A There was quite a number died after we came here to the Falls.

Q Did he buy any, acquire any? A Only what was born; he didn't buy any.

Q You were ten years of age when your father died? A Yes, sir, and that old fellow never saw him.

Q Well, you say you are pretty forgetful? A I am now, but I can remember things back then better than I could things that would happen now.

Q Your memory is not very good now? A No, sir.

Q Well, did you have the names of all the slaves he had at that time? Well, no, sometimes I never saw them for a year; there was what we called field parties that never came to the house.

Q Some slaves you would not see for a year? A Yes, sir, some times it was a week to go up in the town we called it; the house was built up after another.

Q Some of these slaves were hired out, weren't they? A No, sir.

Q None of them were hired out? A No, sir. They might have let some of the women go around to work for some neighbors when they was needed.

Q Where were you living when the war broke out? A I am living in the place I am living in now.

Q Where is that? A It is seven miles, maybe eight, above Webbers Falls, right opposite Bluff Switch, in Canadian District, Cherokee Nation.

Q Where was Jim Vann living at that time, your brother? A He didn't have any particular home, he was a lawyer, he practiced at Tahlequah.

Q He didn't have any particular home at all? A Not then because he and his wife were separated.

Q Well, he didn't live at Tahlequah then when the war broke out? A I don't know but what he did.

Q You said he had no particular home, how which is true? A I meant he was not there much, he had his household goods there, he practiced there with Tom Taylor, a lawyer he practiced with.

Q He was a race horse man wasn't he? A Not particularly.

Q Did you visit him much? A Not then.

Q Did you ever go to see him? A To, sir, not while he was at Tahlequah, but I was when he was living at Park Hill with his wife.

Q When was he living with his wife? A That was previous to this time; he was, while I was a girl growing up.

Q Away back in the '40's? A Let's see I went to the Seminary; when did the Seminary open?

(Mr. Hastings answers 1855.)

Witness: Well, I was there in '51, '52 and '3.

Q Did Mayfield get part of the slaves after the steam boat was blown up that you speak of? A I think he maybe did get a family.

Q Did you know what slaves he got? A No, sir, I don't remember.

Q How many did he get? A I don't know; it maybe that he got some.

Q Do you know any of their names? A No, sir.

Q You say he owned a hundred slaves? A I could not swear that he did.

Q Well, how many names can you give me now of these slaves? A Of what slaves; that we owned?

Q Yes, that your father owned when he died? A I didn't want to take the trouble.

Q Well, give me the names? A There was some old freedmen negroes.

Q Can you give me the names of ten? A Yes, sir, I can give the names of twenty.

Q Can you give the names of fifty? A No, sir, I don't know whether I can or not.

Q Can you describe these slaves, what they looked like, whether they were small or tall? A What a foolish question.

Commissioner: Say yes or no Mrs. Brewer? A Why, yes.

Mr. Pauls: Go on and describe them? A There is some right there just about such looking ones as these.

Q Are these some of them? A Yes, there is some right there.

Q Are these old Joe Vann's slaves, these men right here?

A Why, I don't know but they are.

Q I asked you to describe some of old Joe Vann's slaves? A I told you they would come of them pretty much to say they looked about like these.

Q I say you can't tell one negro from another that? A Why, I can when I know them; if I know I could have been cross-questioned I would not have care.

Q You say you were ten years of age when your father died; now you can't pretend to tell what slaves he had at that time and what their names were? A I know he didn't have but one George.

Q I am not asking you that question, you say you were ten years old when your father died; if you can tell some of the names of these slaves and describe them to me so that I can get some to be brought here, if you could know them? A Would you know any one you saw at that time?

Q You say that you could not know? A I think I could know some of them.

Q How many slaves did you get for your share? A I think we got about seven apiece.

Q You got seven? A Yes, sir.

Q What was their names? A Aleis was the woman's name and she had two or three children and an old man; they had men to appraise the property and divide it as well as they could, and the old man I got his name was Caesar and his wife's name was Sarah.

Q Well, now, how many slaves did Jim Wann get? A He got the same as the others did. And when he married he got more than that given him by his father and he squandered them.

Q When was he married? A He married before my father's death in '44.

Q And how many slaves did he get on his marriage? A I don't know that; I was a child I could not remember.

Q You don't know the names of them? A Yes, I do, I told you their names, Mr. Hastings?

Mr. Hastings: He wants to get it in this record?

Witness: What he got through my father's estate what was given him when he married, that was old Hannah.

Q How many? A I don't know; Jennie because I owned her a while.

Q You don't know how many Jim got on his marriage? (No response.)

Q Well, did he have any before he got married that his father had given him? A I don't think he did.

Q And you say he got seven from the estate? A I ain't certain about that unless I was to sit and count how many I got; I think it was seven though.

Q Do you know the names of the ones Jim got? A No, sir.

Q Did you ever see them? A Of course I did; I don't know as I knew the young darkies' names because I had nothing to do with them; I would just see them around the place.

Q Would you undertake to say that your father didn't have some of these slaves hired out? A No, I would not positively swear that, but I would positively say I would not believe I did.

Q Now, Jim was a man who was addicted to drink considerable?

A Yes, sir.

Q And at times would be hard up? A Yes, sir, he generally made a raise pretty soon though.

Q Well, it would be most natural now for him to hire them out?

(Question objected to by Mr. Hastings, and sustained by the Commissioner.)

Q You would not undertake to say that Jim Wann didn't hire out some of his slaves? A I really don't know.

Q You said you never went much about him? A I say I didn't see much of his negroes.

Q You said you didn't go much about your brother? A He was batching in Tahlequah and I was married and alone and what would a woman have around a place like that?

Q How long did he batch there? A About two years.

Q You didn't go around him at that time? A No.

Q Did your father run racehorses? A He did back in the old Nation; he had a noted race mare he run; she was brought from Kentucky and he named his steam boat from her—Lucy Walker.

Q He had a race mare by the name of Lucy Walker? A Yes, sir.

Q Well, who was the rider of Lucy Walker? A We had several boys that rode race horses, I don't know what she rode her.

Q Did you know the names of the several boys that rode the race horses? A One of the older ones was Tash, William Spots got him at the time the negroes were divided.

Q Well, give me the names of the other ones? A Well, Mr. George that belonged to me attended to the horses.

Q I mean the boys that rode the horses, the jockeys? (No response.)

Q The fact of the business you don't remember much about what

scattered back then at all? A I know enough to know that there is

a fraud back there by you.

Q You have plenty of prejudice? A No prejudice at all, if he belonged to my father I would want him to come for his rights.

Q You have been talking about this with people? A No, sir; I don't have to keep my mouth closed on account of George Washington Vann he claims.

Q You have a pretty bitter feeling? A No, sir, I dislike falsehood; I think that man came to my house up here sometime ago and come up here laughing and said I won the case up there and I said there was not but one George Vann, and I said I owned him and he went on to say some of the children, said Mrs. Lovore, and that wasn't her name.

Q I want to ask you this question, of all the hundred negroes that your father owned, can you say there was only one by the name of George? A Yes, sir, he had a George, he had been sold before my recollection.

Q I mean at the time of your father's death? Yes, sir, I know there was not a George; I was ten years old before his death.

Q You say he owned no George at all at that time? A Might have been some little bit of a child I don't know anything about; I said I didn't know much about the field negroes.

Q You were ten years of age when your father died and you swear now that not one of the different hundred slaves he owned, not one had the name of George? A I know of the children one of them drawn one by the name of George and that was me.

Q Now, how many Johns were there and how many Jacks? A There were several.

Q And several Joes? A There is one Joe here.

Q What is his name? A I believe we called him Joe Bruner by his father.

Q And several Harrys? A One.

Q But there was not any George at all except the one you got? A Not that I know of.

Q Well, now, how old was this Joe Bruner you speak of at the time of the death? A I don't know whether he was born then or not, but he was around our house there a great deal. Wonder where he is; I guess he can tell the truth you see. to think old George can tell the truth.

Q Now, when did you first have it brought to your mind that Joe Bruner had been a slave of your father? A First met him I knew him by his looks because his grandmother was one of mother's main cooks.

Q When did this meeting take place you speak of? A Here this morning.

Q You hadn't seen him before for how long? A Oh, I seen him the day the Federals come to the place, and I think Joe went to the Federals and I hollowed at him.

Q That was way back in time of the war? A Yes, sir.

Q But you hadn't seen him since? A I don't know whether I had or not; sometimes I meet the old darkies and they always seem glad to see me.

Q You give your testimony you say before the Kern-Clifton Commission? A Yes, sir.

Q The same in effect it was now? A I never had any foolish questions asked me.

Q Did you have the same spite against this man you have now? (No response.)

ANDY CROSSLAND, being duly sworn by Commissioner Rowles, testified as follows on the part of the Cherokee Nation. Examination conducted through Interpreter Simon Wallingford.

~~5~~

MR. HASTINGS: What is your name? A Andy Crossland.

Q How old are you? A About 74 years old.

Q Where did you live before the war? A In Sequoyah district.

Q How far from Webbers Falls? A About twenty miles.

Q Did you know old man Joe Vann, known as Rich Joe Vann?

A Yes, sir, I knew him.

Q Did you know his darkies? A They sometimes called him Rich Squirrel in Cherokee.

Q Did he have some slaves? A Yes, sir, he had quite a number.

Q Was his folks any relation to yours, to the people you belonged to? A No, they were no relation.

Q You know the applicant here, George W. Vann? A Yes, sir, I know him; I didn't know him before the war.

Q When did you first know him? A First time I ever saw him was just across the river from Fort Smith.

Q When was that? A It has been about 20 years.

Q Did you ever visit Joe Vann's darkies before the war? A Yes, sir, I used to visit them at Webbers Falls.

Q Did you ever see this man among them? A No, sir, I never saw him.

Q Was there a George Vann among them, man by the name of George?

A Yes, sir.

Q What became of him? A One George Vann was drowned, he was just a young man.

Q Did you know Ben Johnson before the war? A Yes, sir.

Q How far did you live from him? A About ten miles; he lived just across the river from Fort Smith, on this side.

Q Did you ever visit his darkies before the war, see them?

A Yes, sir.

Q Did you ever see this man this applicant, George Vann, down there among them before the war? A No, sir.

Q The first few years after the war where did you go; where have you been living since the war? A I first lived in Illinois about two years and moved into Sequoyah district and lived in Sequoyah district eleven years, and moved back to Illinois district where I now live.

MR. PAULDS: Did you know old Joe Vann when he first came to this country? A This Rich Joe Vann?

Q Yes, sir? A Yes, I didn't become acquainted with him until he came to Webbers Falls.

Q Well, what was that? A It must have been something like ten years prior to the war.

Q What year would that be in? A I am not able to state; I was raised by full blood Cherokees and had no opportunity to keep count of the time.

Q Ask him if he is on the authenticated roll of 1860 as a Cherokee Freedman? A Yes, sir.

Q How far from Webbers Falls was he living at that time, the witness here? A About twenty miles, as I stated.

Q From Webbers Falls? A Yes, sir.

Q Do you know how many negroes Joe Vann brought with him when he came to this country? A No, sir, we had no right or authority to make any investigation as to any number of slaves a man may have.

Q Did you know how many slaves Jim Vann had? A I don't know that I knew Jim Vann.

Q Does he say that he does not remember Jim Vann, a son of Joe Vann? A He just states that he didn't know that he remembers Jim Vann.

COMMISSIONER: Ask him if he knows Jim Vann, a son of Joe Vann?

A Yes, I had seen him but didn't know him as well as I did his father.

MR. FAULDS: Well, do you know how many slaves Jim Vann had at that time? A No, sir.

MR. HASTINGS: Who did you belong to? A Jack Cochran's father, French Jack.

COMMISSIONER: Was he a neighbor of Joe Vann's? A Yes, about twenty miles.

Commission adjourns until one o'clock, P. M. Taking of testimony continued by Stenographer M. D. Green.

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

*J. O. Fosson*

Subscribed and sworn to before me this September 18th, 1901.

*C. R. Beckwith*

Commissioner.



Continued from stenographer Rossen.  
To be filed with C.F. D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., Sept. 13, 1901.

In the matter of the enrollment of George W. Vann, as a Cherokee Freedman;

AFTERNOON:

Appearances:

Applicant in person, and by his attorneys, J. F. Faulds and A. G. McRea.

W. W. Hastings, and James Davenport, for Cherokee Nation.

-Testimony on part of Cherokee Nation.-

DANIEL ROACH, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A My name is Daniel Roach.

Q How old are you? A I can't tell you, I am 60, 70 or 80.

Q Where do you live? A I live in Illinois District, Brages Station

Q How long have you lived in the Cherokee Nation? A All my days, my recollection, I was in the Cherokee Nation when I come to my recollection.

Q When you could first recollect where were you living? A Down at Webbers Falls.

Q Did you ever know Joe Vann, what they called Rich Joe Vann, before the War? A Yes sir.

Q How far did you live from him? A I don't know how far, I lived on one side of the River and him the other.

Q Was you acquainted with his slaves that he owned? A So far as this: I lived on this side and he lived on you side of the River, Saturdays and Sundays when I got a chance I would go over there Sundays and run after the she ones you know, on a courting expedition.

Q Well you had been on this place? A Yes sir.

Q Did you ever see this man by the name of George W. Vann, who sits here there around Joe Vann's place before the War? A Well, Joe Vann had a colored man that they called George.

Q Well was it this fellow that's here? (Indicating). A This is not the man I saw there.

Q Is this the man that was around that they called George? A Oh no, that's what I am telling you now, it wasn't him, no sir, I am confident it wasn't him; he aint the man; that man, the last I saw of that man just a while after the War commenced, the last I saw of him he run away with some colored people, I think some of his relatives, and went North.

Q And you have never seen him since? A No sir, I saw his brother since, and asked his brother about him, that's all.

BY MR. FAULDS:

Q All you know is that this isn't the George Vann that went North? A Sir?

Q All you pretend to say is that this isn't the George Vann went North? A No, that aint the question they asked me; they asked me was this the George Vann that belonged to Vann? I say this aint him.

Q You didn't know how many slaves he had named George? A No sir.

Q Did you know all of his slaves? A I knowed all the old ones, pretty much; there was the eldest was there there used to be an ever see they called Isaac, David, and three or four others there, but I have lost the names pretty much. Daniel Vann out here was a brother of this George Vann, and I knowed him.

Q Did you know the names of all of them? A No sir.

Q You know how many Georges there were? A Do not.

Q Might have been a dozen? A Yes sir.

Q Might have been a dozen Joes? A That's right, but I didn't know

- Q. How have been a dozen Georges? A. Well I didn't know them.
- Q. You don't know how many slaves he had? A. No sir, I was a slave myself, and couldn't count them, nor nothing about it, I was over there on a courting expedition and around among the young girls and back home.
- Q. Who else was a slave holder, big slave holder down there? A. He was the biggest. And there was John Brown, he lived down on the River from Vann.
- Q. How many slaves did he have? A. I don't know; I think he had three or four women and I think there was four or five men, yes.
- Q. Did Webber live over there? A. Webber lived on this side of the River.
- Q. At Webbers Falls? A. Yes sir.
- Q. How far was that from you? A. Well, it's about a mile and a half, maybe not so far, on this side of the River, old Webber lived. He had a big store up there.
- Q. When did you first get acquainted with Joe Vann? A. Well I could not say, but after he come up on the boat and he got settled down there and you find out pretty much, his traveling around, he owned a good many colored people; I would see him across on this side once in a while.
- Q. What boat did he come in on? A. Don't know.
- Q. Were you there when he came in? A. Oh no, I think not; oh no, I paid no such attention; I was a slave; I couldn't pay such attention to that.
- Q. You had about all you could do to look after your Master? A. That's right, only every Sunday.
- Q. Joe Vann was away from there, go pretty much on his steamboat? A. He did run on the boat, yes sir.
- Q. He was a race horse man? A. Yes sir.
- Q. Raced horses all through the country? A. Well I don't know about throughout the country, but he did that about Webbers Falls, that's all I know about it.
- Q. Just what you know is around there, that doesn't amount to very much? A. Well, what you ask me I answer in the best I can.
- Q. You have been with the Daves Commission, you are employed by the Cherokee Nation? A. Yes sir.
- Q. Get two dollars a day right along? A. Well, if they give it to me I will.
- Q. Well, do you get it or don't you get it? A. I don't know, sir.
- Q. Aint you got anything yet? A. I have got some and some I aint.
- Q. But you expect to get it? A. Well I don't know, depends upon circumstances, I can't tell what they do.
- Q. Going to work for nothing? A. Well, if I can't help myself what else can I do?
- Q. You know the colored people, slaves, that Jim Vann had? A. Some of them.
- Q. Did not know all of them? A. After old man Vann died, - he got blowed up, - Jim Vann he married Lewis Ross' daughter I think, it was anyhow among them Rosses, and he took some of the slaves over there at Tahlequah, some of the slaves, I reckon it was his portion of the darkies he drew; he stayed there a while with them and then he sold them; there was a merchant called Emerson bought them slaves to send them off to his children, I don't know where they lived.
- Q. You don't undertake to swear that George Vann was not a slave of Jim Vann? A. He is not the man that I knowed as George Vann.
- Q. You have said there was a George Vann, slave of Jim Vann, went North some place? A. Yes sir.
- Q. But I am asking you whether or not you are going to swear that he, George Vann, wasn't a slave of Jim Vann? A. Well, I say if he was I didn't know him.
- Q. But you can't swear whether or not he was? A. Well, I suppose if he had been and I never saw him how could I swear it; but there was a George Vann who I did see; I asked his brother about him and he

said he got drowned up here North somewhere.

Q But you are not swearing he wasn't the slave of Jim Vann? A But he ain't the one I saw.

BY COM' R NEEDLES:

Q Do you know whether this George Vann was a slave of old Jim Vann or not? A Not that I know of; not that I know of he wasn't; I don't know that I ever seen him until I saw him around this payment, that is the first time I ever saw him to my knowing at all.

Q You don't know whether he was or was not a slave of Jim Vann? A No sir.

Q Do you know anything about the slaves Mayfield got after Joe Vann died, from the estate? A No sir, I don't know anything about the who draws the estate.

Q Do you know whether or not Mayfield got any slaves? A Not no more than say so; I heard them talkin' about Mayfield had slaves, but to see it and know it, I don't know.

Q All you know is what they talked about it? A Yes sir, that's all.

JOB JOHNSON, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, and age and place of residence also? A I am 51, going on 52.

Q Well, what's your name first? A Joe Johnson.

Q And your post-office? A Mustangs.

Q How long have you lived in the Indian Territory Joe? A Born and raised here, been here all my life.

Q What part of the Territory was you raised in? A Sequoyah District

Q Was you a slave before the war? A Yes sir.

Q To whom did you belong? A Ben Johnson.

Q Was you acquainted with the slaves that was living on Ben Johnson's place before the war? A Yes sir.

Q Is this man here who is known now as George W. Vann belong to Ben Johnson or work on Ben Johnson's place there before the war or at the breaking out of the war? A Never did see that man before until about 10 or 15 years ago in this District.

Q When did you come back to the Nation after the war closed, or did you leave it? A I left it.

Q When did you come back? A Peace wasn't declared when we come back.

Q To what point did you go when you come back? A Down on our old place in Sequoyah, Ben Johnson's place; lived there seven years, built a house there, and then went to Flint District.

Q When you came back down there about the place where was this man George W. Vann, living there? A No sir.

Q When did you first see him? A Right here in this District; there was a big meeting going on here.

Q About how long ago? A Well I say it has been about 10 or 15 years ago since then; they had a big meeting here; that's the first I remember seeing him right there at that meeting.

Q And you worked the old Ben Johnson place several years before you came back here? A Eight years.

Q And he wasn't in there then? A No sir.

Q And he never was there before that? A Never was, I was big enough to notice a stranger if he come on the place.

BY MR. NEEDLES:

Q You are 51 years old? A Yes sir.

Q You were a slave before the war? A Yes sir.

Q What were you working at before the war? A Riding races for my young master.

Q Where did you race? A I rode some races in Hayesville, and some down in Sequoyah on the Gutter Prairie; I don't know what they call it now, that's what we used to call it.

Q Was that all you were doing, riding races? A Yes sir.

George W. Vann cont'd 4

Q How long before the war was it you begun riding races? A I couldn't tell you.

Q Ten years before the war, was it? I suppose? A I don't know I said I wouldn't put no time, because I don't know nothing about no dates.

Q You mean the war between the North and the South? A Yes sir.

Q Did you ride race horses for several years before the war?

A Yes sir.

Q How much did you weigh? A Well I don't know anything about that, I may have weighed a good deal, I don't remember them ever weighing me.

Q How old were you when you started to ride race horses? A I don't know, but I was big enough to hold horses without being girder on, and able enough.

Q When did Ben Johnson go away from there? A When the war was going on, I couldn't tell you what year.

Q How old were you when the war started? A I couldn't tell you nothing at all about that; I am just telling you what I know and no more. But that man there was never onout place, I know that.

Q On whose place? A Ben Johnson's.

Q You were there all the time? A Yes sir, never was nowhere else until we started South; they taken me away from there and there wasn't but three old men left there.

Q I thought you said you went away to ride races? A I said I rode races.

Q Wasn't you away from there riding races? A Well how long was I away, no longer than the race was run, and then I was in there again.

Q You were how old then? A I don't know how old I was; if you want to find out I can have a man brought here that's got his daddy's books, one of the grand-sons of them; if that's what you are after.

Q Didn't Ben Johnson go from that home on the bend of the River between Arkansas and Potosi before he went off? A That's when he first left home with his negroes.

Q He went onto the river and died, didn't he, and some of his negroes came back? A He was on his way back when he died; didn't die at the River.

Q His negroes came back? A Yes sir.

Q Did he have two negroes named Mose and Green and Aron? A Aaron was my oldest brother and Green was this Isom; I don't know where he gets the Green part; I know who he is.

Q Who did you belong to you say? A Ben Johnson.

Q Was that all the kind of work you did, was to ride horses? A That's all I done.

Q That's all you ever did? A Yes sir.

Q You didn't didn't work down there in the Salt Licks? A No sir, I don't know nothing about no Salt Licks; I used to hear them talk about Mackey's Lick, but I don't know to-day where it is.

Q Do you know whether or not Jim Vann hired a negro to Ben Johnson for a thousand dollars? A No sir.

Q Don't know anything at all about that? A No sir.

Q Buried the thousand dollars? A Don't know nothing about it, never heard of it before.

Q There are lots of things you haven't heard of aint there? A That's all right about that, but here's this thing about it, that man was never in the yard.

Q Were you in the yard all the time? A Yes sir, right on the place only when they took me out to ride races; I knowed when a stranger come.

Q Well you seem to be pretty smart for a boy 10 or 11 years of age? A That's all right about my smartness, I am smart enough to make an honest living.

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

Q Chevasse Freeman? A Yes sir.

Q When did you get back to this country after the war? A I have done told just what time I come back here, and you aint getting no more out of me; when we come back here peace wasn't declared; that's what they told me; we saw soldiers here that was mustered out after we come here.

Q Where did you come to? A Right to our old place on this side of the River.

Q How far was that from Fort Smith? A I call it about 2 miles; I come right there and build a house and stayed there eight years.

Q You never saw this man at Fort Smith at all? A No sir, I first saw him right here about 15 years ago, at a big meeting.

Q You undertake to swear he wasn't here during that time? A He might have been in this country, but I never saw him.

Q You never saw him around Fort Smith right after the war? A No sir.

Q You are not going to say he wasn't there? A He might have been right there for all I know; I never saw him there.

Q You don't know where he was living? A No sir, I don't.

GABRIEL L. PAYNE, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A Gabriel L. Payne; 46 years old, Cherokee Nation, Sequoyah District, my post-office is Fort Smith, but I live on this side of the River.

Q How long have you lived in Sequoyah District? A Since '69.

Q What portion of Sequoyah District with reference to Fort Smith, Arkansas, have you been living? A Right across the river from Fort Smith, right on what you would call the landing.

Q Are you acquainted with a colored fellow who goes by the name of George W. Vann now? A Yes sir.

Q This gentleman who sits there? (indicating) A Yes sir.

Q How long have you known him? A I have knowed him since about February or March, '77, I couldn't say positive, about the last of February or the first of March.

Q Where did you first see him? A I first saw him there at home.

Q On your farm? A Yes sir.

Q Did you have any business transaction with him that makes you remember? A First business I had with him he picked cotton for me.

Q Was there any other transaction that followed that? A Well he has been working for me off and on up until I don't think the old man has done any work for me in the last three or four years.

Q When he first came to your place how long did he stay before he brought his family, if he brought them at all? A My recollection he was there about two or three weeks before he brought his family.

Q Did you have any conversation with him in regard to where his family was? A He said they was at Argenta.

Q If you had anything to do with aiding him bring his family I wish you would state the circumstances? A When he was picking cotton for me he wanted money to get his family from Argenta, from what was Cherokee at that time, - Cherokee proper now is 4 miles north of what was Cherokee then, - and he got me to pay the railroad agent at this end of the line the money for what he freight and thing would be, and the agent ordered the agent at the other end to send them up; I give the agent the money to transfer his family.

Q Did his family come? A Yes sir.

Q That was about what year? A '77.

BY MR. PAULDS:

Q That was in 1877? A Yes sir.

Q Came from Argenta? A I don't know whether he came from there or not; he said he did.

BY MR. DAVENPORT:

Q From the time you went to your place there in Sequoyah District, in '69, up to the time George came to your house in '77 had you seen

him in that locality or had he been living in that locality? A Not that I know of.

BY MR. PAULDS:

Q He had some land down there near Fort Smith in the Cherokee Nation that you wanted to get, and you had him arrested? A I did not.

Q Well, it was brought about that he was arrested and taken over to Fort Smith; weren't you there at the trial giving evidence against him? A Yes sir; I say he wasn't arrested in regard to that land at all.

Q He was arrested for cutting timber on Indian land? A Yes sir.

Q Did you have him arrested? A No sir.

Q You were instrumental in having him arrested? A No sir.

Q Did you have a finger in it? A No sir.

Q But you were there as a witness? A Not against him.

Q Didn't appear there as a witness? A Not against him.

Q You were there in the trial? A Yes sir.

Q Did you testify in the case? A Not in his case.

Q Whose case? A Fellow named Hicks.

Q Do you remember the facts proven? A No sir; I think it was Clayton or Reed-

Q Prosecuted? A Yes sir.

Q In Tahlequah? A Yes sir.

Q You were interested in that trial? A I was not, not in that trial.

Q Didn't care how it went? A Yes sir I did.

Q You wanted him acquitted? A No sir.

Q You wanted him convicted? A I did.

Q You were claiming the land he was on? A I was not.

Q Well they had a trial over there? A Yes sir.

Q And the jury without retiring from the box found he was a Cherokee Indian? A I don't know the decision in regard to that, I think Judge Parker claimed that on regard to his case being on controversy between the United States Government and the Cherokee Nation that he wouldn't take jurisdiction because it might have some figure in his case.

Q You know the jury found he was a Cherokee citizen? A No sir, I do not.

Q Do you want to see it? A No sir, I don't care to, it's none of my business.

Q After that trial took place you went out there and had him arrested and brought up at Waldrow? A I did not.

Q Wasn't he taken there and tried? A No, he wasn't tried there, we was suing him there, we was just suing for a piece of land.

Q Didn't try him there then? A No sir, we brought the suit there at Waldrow.

Q Wasn't he turned loose there? A No, he beat us in the case there, at that court; you couldn't call it turned loose.

Q They decided there also that he was a Cherokee Indian? A No sir, I don't know, I didn't go there, my brother attended to the trial at that time and when the trial went against us I took an appeal to the higher court and finally beat him at last.

Q Got it down here before the Cherokee Indians and beat him?

A Got it before the United States Court at Tahlequah.

Q What year was that in? A Well I couldn't say positive, about three or four years ago.

Q You say this suit you had at Waldrow was over some land? A Yes sir.

Q You were bringing action against him for possession of the land? A He had sold us some land and then went and reconveyed it up again, and we brought suit for possession.

Q He sold you this land? A Yes sir.

Q What year was that in? A I want to be positive, I think it was in '85 or '86.

Q When he sold you the land? A Yes sir.

Q Was he living down there in '85 or '86? A I think he was.

Q Was he living there right along from 1877 until that time, '85 or '86? A No, in '81 I think, I won't be positive, I think it was '81, I thought everything he had, and he left this country, started to Cuba so he said, and he was gone a little over a year, probably, I ain't certain about that.

Q You said you were 46 years of age? A Yes sir.

Q And you had lived down there since 1869? A Yes sir.

Q How far were you living from Fort Smith in 1869? A Before we moved to where we are living now?

AQ Yes? A We lived at Greenwood, about 16 miles from Fort Smith; I was born there, but during the war when trouble come here we were hop, skip and jump about to Little Rock and Fort Smith, and in '66 I went going to school there at Fort Smith.

Q I want to know how long you lived at Greenwood 16 miles from Fort Smith? A I was born there I tell you.

Q How long after 1869 did you leave there? A I told you we left there in 1869 and moved to this place where we are living now; that's right across the river from Fort Smith, I think in the neighborhood of 26,000 feet.

Q Then you have lived there ever since 1869 right across the river from Fort Smith? A Yes sir.

Q You never saw anything of him now up until 1867? A No, no, 1877, the I know of.

Q You might have seen him without knowing it? A Yes sir.

Q You know there is a whole lot of white witnesses around Fort Smith that knows he was around there? A I don't know anything about that.

Q Did you hear his trial at Fort Smith? A Yes sir, but I don't know that anything of that kind was brought up, I don't know that it was or wasn't, it has been solemn.

Q Did the Indian Courts have jurisdiction over non-citizens at the time this case was brought up at McAulrow? A

J.P. DAVENPORT: That is a matter of law.

A I believe they ~~sanctioned~~ it threwed it out on account of non-jurisdiction; I think the Cherokee courts threwed it out on that ground.

Q Throwned it out? A Yes sir.

Q Well then you didn't beat him there? A I beat him in the suit in the United States court, where I could get jurisdiction hold of him.

Q There was a United States Court at Tahlequah at that time was there? A Yes sir.

Q He was paid for the piece of land wasn't he? A Oh we paid him for that piece of land at first before we ever commenced a law suit and then afterwards he went and claimed it to be his own.

BY COUNSEL:

Q Are you a citizen of the Cherokee Nation? A I believe you people below claimed I was not, I believe the Cherokee Nation accepts me as a citizen.

Q Not as a citizen by blood? A No sir, by adoption.

WILLIAM FOREMAN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A William Foreman.

Q How there do you live? A Braggs Station.

Q How old are you? A I don't know, sir, exactly how old I am.

Q Are you a Choctaw or Cherokee citizen? A Choctaw.

Q Are you acquainted with George W. Vann there? A I have seen him.

Q About how long has it been since you first met him? A About 4 or 5 years ago.

Q When you met him along about 4 or 5 years ago where did you meet him? A First time I met him was out at Tahlequah.

Q That was in the Choctaw Nation? A Yes sir.

George W. Vann cont'd 8

Q When you met him there did you have any conversation with him in regard to Choctaw citizenship? A No sir.  
Q Did you have any conversation as to any kind of citizenship, as to his being a Choctaw or anything? A No sir.  
Q What was the next time you met him? A At Fort Smith.  
Q Did you have any conversation with him at all at any of these meetings with reference to his Choctaw citizenship? A No sir, I didn't.  
Q Well then, you had no conversation with George at all with reference to his being a Cherokee Freedman, Choctaw Freedman, Choctaw by blood or Cherokee by blood? A No sir.

ALEXANDER DUNN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q Give the clerk your name? A Alexander Dunn is my name.  
Q Age, and your present place of residence? A My age, I am going on 63, and where I live now?

A Yes sir. A I live in Sequoyah District, down near Pawpaw.  
COM' NEEDLES: Is Pawpaw your post-office? A Yes sir.

BY MR. DAVENPORT:

Q How long have you been there? A About ten years; I come there in '91.

Q Where had you lived previous to coming to the Cherokee Nation?  
A In the State of Arkansas, below Little Rock, in Pulaski County.

Q How long had you lived there? A I have been there ever since the war; when I come out of the army I was in that neighborhood in '66 I believe, '66 or '65.

Q During the time you lived in the State of Arkansas, Pulaski County, near Little Rock, did you ever know a colored man who went by the name of George W. Vann? A Yes sir.

Q Have you seen that man since you came up here in this case?  
A Yes sir.

Q By what name is he known now? A George W. Vann they say.

Q Is that the man who sits there? (Pointing to applicant.)  
A Yes sir.

Q About how long did he live down there after you got acquainted with him? A I wasn't acquainted with him very long. I saw him down there in April, '74, and when I heard from him again he was in the Territory, in '77.

Q You then heard of him again in the Territory in '77? A Yes sir.

Q Did he ever talk to you anything about citizenship up here?  
A He said something to me about it.

Q Did he say anything to you about proving up or speak to you about he having applied, or anything about that? A

ATTORNEY WEAVER objects.

BY COM' NEEDLES: Any conversation he had with Vann was proper.

Q State what he said to you about citizenship? A He was at my house. Told me I could get a right here if I wanted it. He could get me on the roll. I told him I didn't fool with Uncle Sam, because Uncle Sam was a dangerous man, and I considered myself one of his men. Fooling with the Government we might get into trouble. My wife advised me not to have anything to do with it.

BY MR. WEAVER:

Q Now did he tell you that, about your being placed on the roll as a Cherokee Freedman? A Well it was about the year of '94. (To applicant): You remember it Vann; you come over there preaching?  
A Yes; I was at the time claiming citizenship in the Cherokee Nation? A Never did.

Q Of your own accord? A Never did, and I never will.

Q Did Vann voluntarily approach you on this subject, of his own accord? A Yes sir.

Q Did any solicitation or persuasion come from him, or any other person, to get you on the roll? A No sir. He was just around there.



ting up a church, and was telling what a chance he had to get a home.

Q That was near Little Rock? A No sir, that was right here in the Cherokee Nation in '94.

Q I will ask you in reference to this conversation about his getting you on the roll, didn't you first meet him with the remark that you knew him to be down there at Little Rock during the Brooks and Baxter war, and that if he could come to the Territory you were as much entitled to do it as he? A I never had a conversation with him around Little Rock. I will tell you just how I knew him: Charley Morris got into a drunken spree right there when Brooks was making a speech, and he said now boys, Brooks said, now boys, would they back him in taking the Governor's seat; and we agreed that we would. Well this man Morris, he was drunk, and when he got drunk McKamy came in to take him, George McKamy; that's how come me to know this George McKamy, as a constable. We boys lived in Hill Township and McKamy lived in Eastman, and we wouldn't let him have him; took Morris away from him. Next time I heard from George McKamy he was here in the Territory; time Snowden come here to see Charley Morris, and said George McKamy was here in charge of a church, and Morris was one of his members, the man he had tried to arrest.

Q When was the first time you ever met George McKamy, alias George W. Vann, in your life? A It was in April, 1874.

Q Where at? A At New Home Church, in Pulaski County, Eastman Township.

BY COX'S NEEDLES: Q Was it in Arkansas? A Yes sir, in Arkansas.

BY MR. MORRA:

Q Did he have a family? A I don't know anything about his family, I never saw him no more after that until I come up here; I may have saw him in Argenta town in passing, I don't remember though whether I did or not; but that's the time I saw George McKamy.

Q Now from this particular time when was the next time you met him, and where was it? A I met him right here in the Territory, right around Pawpaw; he come there in '74 to get up a church.

Q Come to Pawpaw in '74? A Not in '74, but in '94; '74 I saw him at the Brooks and Baxter war.

Q Now isn't it a fact that you have been instructed to tell a certain line of testimony in regard to this matter? A No sir.

MR. DAVENPORT: By whom do you undertake to say he has been instructed, No?

MR. MORRA: I haven't charged any one.

COX'S NEEDLES: That's by-play; go on with the examination.

Q Where do you live now? A I live in Sequoyah District.

Q How where did you come from when you came to Pawpaw? A I come from Pulaski County.

Q Where is that? A In Arkansas.

Q Do you live within close proximity of George W. Vann now? A I guess live six or seven miles off; I never has been to his house; he lives somewheres down about Cherokee and I live near Pawpaw.

Q When you first met him in 1874 in Little Rock, as you have affirmed, where did he come from? A I do not know; ~~where~~

Q Never had any conversation with him as to where he come from? A No sir.

BY COX'S NEEDLES:

Q When you had the conversation with George W. Vann here that you refer to in your testimony in regard to statements he made to you as to getting you on the roll, did he say anything about getting on the roll himself? A He said he was on the roll; that is, he said he had a right here, and he could get me on and my family.

Q He didn't say he was going to try to get a right, but said he had a right? A Yes sir.

JOSEPH DUNN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Joseph Dunn.

Q Where do you live? A About eight miles south of Muldrow.

Q What is your post-office? A Pawpa.

Q How old are you? A About 48.

Q Where did you live before you came to the Cherokee Nation? A I lived up until '67 in Polk County, Arkansas; after that I lived in Pulaski County, Arkansas, until '90.

Q Did you ever know a colored man down there named George W. McKamy? A Yes sir.

Q Is the gentleman sitting there the same man you knew by that name? (indicating applicant) A Yes sir.

Q What was he doing down there when you saw him? A When I first saw him I was working on the Little Rock & Memphis Railroad, I think that was in '72; he was there at Argenta; I don't think he was following anything but following the courts around there, and in '73 I worked in the bottom, and he was constable in Argenta, in the latter part of '73; I disremember whether it was Eastman or Hill Township at that time that he was in, the township was cut into since then.

Q The second time you saw him around there he was constable in '83?

A Yes sir. And I think in '72 he was constable '80, or deputy or something, if I mistake not.

Q How long after that did you remain around Little Rock? A I remained there until '74, the Brooks & Baxter war; I went up in Perry County and stayed about four months there; dropped back to Terry's Ferry; it is called Scott Crossings now.

Q Was McKamy still in Argenta when you left in '74? A When I left there he was.

Q Do you know whether he had a family then? A I don't know.

Q How long ago did you come up here? A In '91.

Q Are you living down there near where your brother Alex is? A Yes sir.

Q Have you, since you moved to the Territory, had any conversation with George W. Vann now, who goes by the name of George W. Vann now? A When I first saw him out in the Territory I had been down to Fort Smith attending court, and at Cherokee I think he got on the train, coming up, and I made myself known to him, and I asked him what he was doing and he went on to tell me, I begun to then to ask him how land was, about renting lands, and told him where I was living, and he told me he was living near Jacktown, I don't know where that was, and I asked him was he renting, or some way that way, and he mentioned to me that he had a right here, and I begun to question him a little further and he said he was a citizen, and he said it was no trick to be a citizen.

BY MR. FAULDS: Now your honor, I object to this evidence; it's all right to put in any evidence as to what George Vann said as to his own citizenship, but as to what he said about somebody else's citizenship would be entirely incompetent, immaterial, to this case; got nothing to do with the case. Might as well bring up a conversation relating to any other man or entirely foreign to the issue. Anything he might say as to his own citizenship might be admissible, but as to what he had said of this matter is not and I believe has nothing to do with the case.

BY MR. DAVENPORT: I will leave to the Commission that I will stop the witness whenever he gets off.

BY COM'R NEEDLES: Any conversation George W. Vann had with the witness about his own case is admissible.

BY MR. DAVENPORT:

Or what he might say about making these fellows, if anything.

BY COM'R NEEDLES: I don't think that's entirely competent.

George W. Vann, cont'd 11

he might have said; he is not charged.

BY MR. EASTINGS, Cherokee Representative: This Commission is getting at the facts in these cases, and if this man assumes that that man has done that with these people and wants to get up citizenship cases when he has no rights and he knows he has got no rights, this Commission ought to know of it.

BY MR. FAULDS: A man doesn't come here to defend every act of his life. The question is whether George W. Vann is a citizen or not; there are a great many citizens in the country who have been manufacturing evidence for persons who ought not to be. I don't know as I ought to say that, but the Commission has had information that even citizens whose rights were not disputed had been in the business of manufacturing evidence for applicants, and if they had it wouldn't debar them from rights of citizenship if they had.

BY MR. DAVENPORT: It doesn't go into this case to the real reputation of the man, but here comes a man whom this man has known in Arkansas and says I have gotten me a right and I can get you up one, and I want him to tell it.

BY MR. DAVENPORT:

Q Did George W. Vann in that conversation about having told you that he had a right up here, and that it was no trick to get a right try to get you to apply, and offer to get up the testimony?

COMMISSIONER HINDLES: You need not answer that. I don't think that is proper in this case.

MR. DAVENPORT: We except; I asked the question so as to get it in the record.

BY MR. MOREA:

Q You say the first time you met the alleged applicant here George W. Vann, was in 1872? A First time I ever remember seeing him, yes sir, as well as I recollect, I won't be positive.

Q Where did you see him? A In Argenta, called Cockleburr town then.

Q And that same year he was commissioned constable? A I don't know whether he was commissioned that year or not; I was working on the railroad and when I saw him in '72 I was working in the yard, and I moved in the bottom and stayed until '73, and when I come back from the bottom in '73 he was appointed constable.

Q Appointed constable? A He was. Well he was acting constable.

Q Who appointed him? A I don't know; I was in the bottom at that time, when he was appointed.

Q How long did he remain in Argenta? A He remained there in Argenta up until the Brooks and Baxter was, that was in '74.

Q How long did he remain in Argenta after the Brooks and Baxter war was over? A I don't know, sir.

Q When did you see him last in Argenta? A '74.

Q Then when did you next see him? A To my remembrance when I next saw him it was '91 or '2 here on the train.

Q Where were you living then? A Living at Sandtown.

Q Did you know him before the year 1872? A No sir, if I did I don't know it. I knew him at the time I say, I might have seen him if he had been about Argenta, but I didn't recollect him from that time up.

Q From the time you first met him until you last saw him was you acquainted with him for a considerable while, a associations with him? A At the time I was in town, while I worked there in the fall of '72 I saw him every day, and when I come back in '73 I was in the court there I believe.

Q Did he have any occupation besides that of a constable? A Not as I know of.

COMMISSIONER HINDLES: Case on the part of the Cherokee Nation will be adjourned until eight o'clock to-morrow morning.

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W. H. RAYBURN

RECORDED  
MAY 11 1881

E. D. Green, being first duly sworn, deposes and says as follows: That he is a member of the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the continuation of this case and that the foregoing is a true and complete copy transcript of his stenographic notes thereof.

*E. D. Green*

Subscribed and sworn to before me this September 23rd, 1881.

*A. R. Beckwith*

Notary Public

PAPER CO. HOLY

SUPPLEMENTAL: C.F.D-136, George W. Vann.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 25, 1911.

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

TESTIMONY ON THE PART OF THE APPLICANTS.

Appearances:

Applicant in person and by attorney, J.F. Faulds.  
W.W. Hastings, of attorneys for the Cherokee Nation.

GEORGE MOODY, being sworn by Commissioner Needles, testified as follows:

BY MR. FAULDS:

- Q What is your name? A George Moody.  
Q What is your post-office address? A Fort Smith.  
Q How old are you? A 47 years old the 10th of August.  
Q Do you know old George W. Vann here? A Yes sir, I know him.  
Q Do you know Annie Green? A Yes sir, I know her.  
Q You remember the circumstances of her killing some man over there in Argenta? A I remember the circumstances of her killing her husband, Evans Green.  
Q Were you living in Argenta at that time? A Yes sir.  
Q Do you know if George W. Vann was there? A Yes sir, I know he was there; I know they were there directly after the shooting.  
Q Go on and tell what occurred? A Betwixt 9 and 10 o'clock George W. Vann as you call him, we call him Mack McKany, and then we was all coming from church betwixt 10 and 11, and John Rynam, another fellow, and we heard screaming over towards the old mill what they called "Cockleburn town", and we rushed over there.  
Q Who rushed over? A George Vann as you call him, we called him Mack McKaney there; we all rushed over there to the door, and he got there first and knocked on the door.  
Q Who is he? A Mack McKany, and knocked on the door, - that's what we called him Mack, and we knocked on the door and there was an old lady screaming and Evans was lying at the door shot, and he told her to open the door -  
Q Who? A Mack McKany; and she asked who it was, and he says Mack McKany, the old constable, and says if you can't open the door I will break it down, and she got up and opened the door.  
Q What did you do? A Stayed there to keep her there until the next morning, and next morning if I make no mistake the constable was named Shellout, a white man, come in there and taken her and carried her to jail.  
Q You say Vann was there? A Yes sir. That man (pointing to the applicant) he was the man who was there and told them if they didn't open the door he would break it down.

BY MR. HASTINGS:

- Q When was that? A I think it was somewhere in '80 or '70; I don't remember exactly what time it was.  
Q You know the difference between '80 and '70? A I know '70 comes before '80.  
Q How many years ago was that? A I doesn't remember, I am not a book of record, I can't tell exactly how many years it was.  
Q When did you leave Argenta? A When did I leave there?  
Q When did you quit living there? A I left there, I don't know exactly the time I left there, I have been here about 9 years.  
Q How long was it before you quit living there that this occurred? A I couldn't remember the time, it was some here in '70 or '80 when this occurred.  
Q Can't you come within 10 years of it? A I said I don't remember

George W. Vann et al 2

exactly the time, but I know it was down in that time.

Q Between '90 and '90? A Yes sir.

Q Do you know it was done before '90? A No.

Q Do you know it was done before '90? A No I said I don't know it.

Q Do you know whether it was done before or after the war? A Why it was after the war I guess when it was done.

Q Do you know how many years after the war? A I do not.

Q Were you married at that time? A I was married at the time.

Q Do you know when you married? A No sir I don't.

Q Was George Vann constable at that time do you know? A No he was not constable at that time when he arrested that woman, but I know he was a constable down there.

Q He went in and arrested her and wasn't no constable? A No, he wasn't no constable.

Q Who was with him? A I told you I was with him and John Eynum was with him.

Q Who was it she was alleged to have killed at that time? A Evans Greer, that was her husband.

Q Did you know George Vann down there? A I knowed that man there.

Q What, McKany? A Yes, that's what we called him.

Q How long did you know him? A He came there my first seeing him was the time of the Brooks and Baxter War, he was appointed constable there.

Q You never saw him before that? A No sir.

Q You don't know when the Brooks-Baxter war was? A No I doesn't know now at the present time when it was.

Q About two years after the war? A I says I don't know.

Q About how many years after the war? A I don't know, I know it was there.

Q Well, he stayed there until after this killing did he? A No, after he got out of office he went away from there, and come back there.

Q How long had he been there at the time of this killing? A I don't know, first time I saw him was the Brooks and Baxter War.

Q At the time this killing took place how long had he been down there? A Oh I couldn't tell.

Q You don't have any idea when it was? A No I don't, but I know he was there that night; I am sure he was there.

BY MR. FAULDS:

Q Have you any idea of dates? A You know what year this is, or what year was 10 years ago? A No, I know this is 1901, I know that.

Q How many people were there around there that night when this killing happened? A When we first got there we was the first three men there that got there, and we ran over there and there wasn't but three men there, but there was a crowd gathered there afterwards.

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

*M. D. Green*

Subscribed and sworn to before me this November 6th, 1901.

*[Signature]*

Commissioner.

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

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

Supplemental testimony introduced by applicant.

Appearances:

A. S. McRea, attorney for applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: What do you desire to prove by these witnesses?

A. S. McRea: That the applicant was here in 1866.

Mr. Hastings: Comes how the representatives of the Cherokee Nation and protest against the introduction of any more testimony by the applicant upon that point, because it is not rebuttal of matter brought out by the Cherokee Nation, but it is one of the points originally in issue, upon which testimony was introduced.

JOHN McDONALD, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McDonald.

Q What is your age? A About 56 years old.

Q What is your postoffice? A Bengs.

A. S. McRea: How long have you lived in the Cherokee Nation? A I have been living here all the time.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first see or know him? A When I first got acquainted with him, he was working on a boat, the old Fort Smith, coming up backwards and forwards here, fetching provisions.

Q When was that? A That was in the year of 1866.

Q You say he was working on a boat? A Yes, sir.

Q Do you know of your own knowledge that he has been living in the Cherokee Nation since 1866?

Mr. Hastings: I object to that.

Commissioner: How long has he been living in the Cherokee Nation to your knowledge? A His farm is just above and he has been here ever since I have been acquainted with him, backwards and forwards.

Mr. Hastings: You have had a farm here ever since? A I have had a farm there for 25 years.

Q You said since '66? A I have been acquainted with him since then, and I don't know of him being out of the Nation.

Q Where were you in 1866? A I was right here.

Q Here in Fort Gibson? A Here in Fort Gibson and different places in the Nation.

Q What were you doing? A I was working all the time.

Q Who was you working for? A Part of the time I was working for old Charley Journeyake and for Bartle up there.

Q Jake Bartle? A Yes, sir.

Q Jake Bartle married a Belawars? A Yes, sir, he married old Charley Journeyake's daughter, yes, sir.

Q And that was the same year you saw George Vann down here? A Well for that matter I was working here, I was, but I was working backwards and forwards, I was here in '66.

Q That was the same year you saw him here? A In '66.

Q That was the same year? A I saw him in '66.

Commissioner: He asked you if the year you were working for John

Bartle was the same year you saw him? A I don't recollect exactly but I saw him in '66.

Mr. Hastings: what year were you working for Jake Bartle? A In about '66.

Q And you worked for Journeycaks in the same year? A Yes, sir, at different times, I just worked backwards and forwards through the family.

Q Where did you get acquainted with Journeycako? A When I was up there, he used to live on Big Creek.

Q Was anybody up on Big Creek when you went there? A Yes, sir.

Q Have houses? A So e had houses, and just building, just starting.

Q In the spring of '66? A Well they had just made the houses, little houses, some of them just cutting and moving in.

Q Had farms? A No, sir, had little patches.

Q Who did you see up there in the spring of '66? A Why I seen a good many people.

Q Name some of them? A Jake Sanders? A You saw him in the spring of '66? A I saw him and all them.

Q Where did you come from when you came to Sequoyah? A When I come to Sequoyah, where did I come from?

Q Yes? A Why I come from the Nation.

Q From Big Creek? A Yes, I was down here in the Nation, and part of the time I lived on Grand River a while.

Q What was the name of that boat you say George worked on? A Forrt Gibson.

Q By the name of Fort Gibson, was it? A Yes, sir, and she sank not far from Fort Smith, she is right there now.

Q That was in '66; what was George doing on there? A He was the cook.

Q Have his wife on there? A I didn't see no woman.

Q Didn't he have any children? A Well he had a house of children.

Q Where was his house? A On the bank, on this side.

Q You saw them? A Yes, sir.

Q You were at his house? A No, sir, I wasn't at his house.

Q You saw them, how was that? A Well I could see the house up at the distance.

Q Did he have a little farm there on this place? A He wasn't farming, he was running as a cook.

Q How far from the river was his house? A Not far, I suppose about 50 yards or such matter to my knowledge.

Q Didn't you come to this country with Randolph White? A Randolph White?

Q Do you know him? A Yes, sir.

Q Where did you get acquainted with him? A When I left for here and got acquainted with him and he and I fetched him back here.

Q Where is Randolph now? A Right down here.

Q How far from here? A Not very far.

Q He knows when you came back here? A Certainly for I took him and went and fetched him back.

Q Where did you bring him from, Ohio? A I fetched him from Ohio.

Q What year did you bring him in? A When I fetched him I don't know exactly what year it was.

Q How long after the war? A I don't know, I think it must have been about '66, or some such matter, something about that time.

Q You knew him out there? A No I didn't, he was just a little boy.

Q Didn't you try to claim to be a Delaware? A I am part Delaware, Charley Journeycako, sir, have always claimed to be his relatives, you can tell by the looks of me I must be something else besides darkey.

Q Who did you belong to before the war? A I belonged to before the war? A old John Glass.

Q Where did he live? A Lived up in Flint, Missouri.

Q You are an applicant for citizenship? A Yes, sir.



Q You are the fellow that joined the army in Ohio? A Yes, sir, after I ran away from here and went away and joined, but I came back here, I came back again.

ANDERSON TAYLOR, being duly sworn by Commissioner Needles, testified as follows:

A. S. McKee: Your name? A Anderson Taylor.

Q YOUR AGE? A About 38 years old.

Q Your postoffice address? A Benge.

Q How long have you lived in the Cherokee Nation, Mr. Taylor? A Well I have lived in the Cherokee Nation off and on for about thirty some odd years.

Q You acquainted with the applicant, George W. Van? A Yes, sir, I know him.

Q When did you first become acquainted with him? A First time ever I saw him was in '57, in the year of '57.

Q What part of the year '57? A It was along sometime in the first part, I can't be positive what time it was.

Q Where did you meet him? A I met him at Fort Smith the first time ever I saw him, between Fort Smith and Van Buren.

Q Did you have any conversation with him then? A Yes, sir, slight.

Q What was the nature of that conversation?

Mr. Hastings: I reckon he will not tell that, that conversation.

Q Well, in that conversation that you and he had did he tell you where he lived? A Yes, sir.

Q Where did he say he lived?

Mr. Hastings: Now don't you tell that, I object to that. Commissioner: That has been the habit, to hear any conversations that the applicant had with the witnesses.

Mr. Hastings: If it is a declaration against his interest, comes now the representatives of the Cherokee Nation and protest against the offering of the conversation had with the applicant in his own interest, on the ground that a declaration in interest is never admissible under any circumstances.

Commissioner: Maybe according to the strict rules of evidence it would not be, but we have been admitting it.

McKee: Where was he living, did he say? A Said he was living on Harrison Creek in the Cherokee Nation at that time.

Q Have you been seeing him continuously since then? A Well off and on I saw him after that, once in a while, but not very often, till here about a few years back.

Mr. Hastings: Where did you live at that time? A No, I lived in Crawford County.

Q And you never saw him before up to that time? A No, sir.

Q And you met and had a talk with him? A Yes, sir.

Q And now you are called upon 38 years afterwards to remember it?

A Yes, sir.

Q A talk that you had with a stranger, you remember that, do you? A I remember being called on.

Q How long did you live in Crawford County then, after '58, how long did you continue after that time to live in Crawford County, Arkansas? A Lived there off and on several years.

Q When did you first come to the Cherokee Nation? A That has been thirty some odd years when I first struck the Cherokee Nation.

Q You know what year you came here? A No, sir, I don't, I went through this Nation when the cave was all down on the river.

Q Then did you first settle in here, come up here to live? A When I first came up here it has been some thirty odd years.

Q You live near and near down there? A No.

Q No, then? A No, sir.

Q You live near and near? A Yes, sir.

Q Where did you live at that time? A ...

Goodman lease, near Bob Owens.

Q How far is that from Fort Smith? A I think they call it 11 miles, I will not be positive.

Q Did Bob Owens own a place? A Yes, sir, when I first settled there to live he just had settled down, but you asked me what was the first time I was in the Cherokee Nation and I told you thirty some years, but I didn't settle down then.

Q How long ago has it been since you settled down there? A Going on eight years I believe, I will not be positive as to that.

Q Where did you come from? A Arkansas.

Q What county? A Crawford County.

Q And you settled by Bob Owens about eight years ago? A No, sir, not by Bob Vann about eight years ago.

Q How far you live from him? A About four miles and a half on this Valley line, between Muldrow and Cherokee and Hayward Youngblood's place.

Q How far did you live from Vann? A Something over a mile, maybe not so far.

A. S. McRea: You say that you have seen Vann off and on since the first meeting? A Yes, sir.

Q Do you remember where you seen him? A Yes, sir.

Q Where at? A I saw him at Fort Smith and in the Cherokee Nation here and several places in the states several times, I go backwards and forwards from here in the state a good deal, and the Indian Territory.

Mr. Hastings: Now don't you know that there wasn't never such a thing known as Garrison Creek until very recently the little branch has been named that? A No, sir, I don't know, for when I first saw it they called it Garrison Creek.

Q You ever tried in the courts for anything? A Yes, sir.

Q Where? A I was tried, let's see, I was tried at Van Buren one time for fighting.

Q Ever tried for anything else? A No, sir.

Q Never arrested for anything else? A No, sir, not in my life.

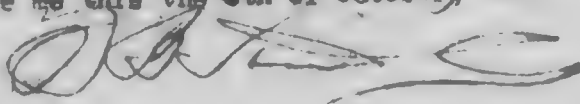
Q Been arrested only the one time? A Been arrested several times for fighting, I used to be pretty bad for scrapping.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the date of the Delaware Agreement made on the 8th day of April, 1867, under which the Delawares removed to this country.

QQQQQQQQQQ

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 8th of October, 1901.



Commissioner.

File with Cherokee Freedmen D-100, *Ernie Hill*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 18, 1902.

In the matter of the application of George W. Vann and others  
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-100.

Applicants represented by J. W. Moore, Muskogee, I. T.,  
Cherokee Nation represented by E. F. Hastings.

MR. MOORE: Attorney for applicant desires the testimony of  
W. V. Wheeler taken this day in the case of Joe Bruner, to be made  
a part of the record in the cases of George W. Vann and others and  
Eliza Robinson.

COMMISSION: The request of the attorney for the applicant will  
be complied with.

Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported 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 19th day of May, 1902.

(Signed) J. W. Reuter,

(Seal)

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 18, 1902.

In the matter of the application of Joseph Bruner et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-100.

Cherokee Nation represented by E. F. Hastings.

J. S. STINE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. J. S. Stine.

Q. Are you stenographer for the Cherokee attorneys? A. Yes, Sir.

Q. Did you take the notes of the proceedings in the case of Joe Bruner, the

applicant in this case? A. Yes, Sir.

Q. What did you do with the notes after you had taken them? A. I took them to his

postoffice at Muskogee, I. T., and the next day I took them to the

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

Q. Did you take any notes of the proceedings in the case of George W. Vann and others

and Eliza Robinson? A. Yes, Sir.

Q. Did you take any notes of the proceedings in the case of Joe Bruner and others

for enrollment as Cherokee Freedmen? A. Yes, Sir.

W. W. WHEELER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. W. Wheeler.  
 Q How old are you, Mr. Wheeler? A I am between 54 and 55.  
 Q What is your postoffice? A Sallisaw, Indian Territory.  
 Q Did you know the applicant, Joseph Bruber, a colored man? A Yes, sir.  
 Q Did you know him before the war? A Yes, sir.  
 Q Who did he belong to when the war came up? A At the time the war came up he belonged to E. B. Bright.  
 Q Where was he living? A Fort Smith, Arkansas.  
 Q Was he a citizen of the state of Arkansas? A Yes, sir.  
 Q Not a citizen of the Cherokee Nation? A No, sir.  
 Q He had formerly belonged to your father? A Yes, sir.  
 Q And your father had sold him to Bright? A Yes, sir, but my father bought him from Mitchell Sparks.  
 Q But he had sold him before the war? A Yes, sir, sold him before the war.  
 Q About how long before the war? A I believe he sold him in '60.  
 Q To E. B. Bright? A To E. B. Bright.  
 Q He was freed by E. B. Bright? A He ran off from E. B. Bright and he never was captured there.  
 Q He was his slave? A He was his slave.  
 COMMISSION: Was E. B. Bright a citizen? A Citizen of the state of Arkansas.  
 Q Wasn't a citizen of the Cherokee Nation? A No, sir.

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 19th day of May, 1902.

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

(Seal)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 17, 1902.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-118.

APPEARANCES:

A. S. McRea, for applicant.  
V. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

G. W. Vann,  
No. 9.  
Cherokee Nation.

Before the Commission on Citizenship, Tahlequah, C. N.

May 2nd, 1878.

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of the opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

D. H. Nicholson,  
Clerk of Comm.

Geo. Chambers, Pres.  
O. P. Brewer,  
Geo. Downing.

MR. McNEA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed here with the record showing that the applicant George Vann made application before the Commission as set forth.

MR. HASTINGS: The above objection is refuted by the judgment itself which shows that the claimant, George J. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

MR. McNEA: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has had time and opportunity to present the same before now.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al, P. D. 131, Cornelia Hill, P. D. 135, Almira Viggins et al, P. D. 168, Richard Vann, P. D. 169, and George W. Vann, D-118, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. Hyles, present.

Arthur G. Crowinger, 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 fore-

going 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, 1902.

(Signed) P. 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.

*H. M. Vance*

Subscribed and sworn to before me this 31st day of July, 1902.

*Paul E. Jones*  
Notary Public.

Department of the Interior  
Washington, D. C., May 27, 1870

In the matter of the application of George A. Van Dine for the  
control of the land of the State of New York.

Approved: [Signature]

Witness my hand and the seal of the Department of the Interior  
at Washington, D. C., this 27th day of May, 1870.

Mr. Van Dine: The enclosed papers contain a copy of the  
order of the Commissioner of the General Land Office, dated  
the 25th day of May, 1870, in relation to the land of the State of New York.

Very respectfully,  
D. L. Henshaw,  
Chief Clerk.

The statement in regard to the land of the State of New York  
submitted for your consideration, and the order of the Commissioner  
of the General Land Office, showing that the land of the State of New York  
is under the jurisdiction of the State of New York, and that the land of the State of New York  
is under the control of the State of New York.

Upon a careful examination of the statement and the order of the  
Commissioner of the General Land Office, it is found that the land of the State of New York  
is under the jurisdiction of the State of New York, and that the land of the State of New York  
is under the control of the State of New York.

1st. That the land of the State of New York is under the jurisdiction  
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of the State of New York, and that the land of the State of New York  
is under the control of the State of New York.

had time and opportunity to present the same before now.

MR. HARTMAN: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31st, 1902, in which to introduce testimony either for or against the claimant.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al. P. D. 134, Geruelia Hill, P. D. 135, Almira Wiggins et al. P. D. 140, Richard Vann P. D. 149, and George W. Vann D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. Huber, present.

Arthur 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 C. Croninger.

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

P. S. Renter.  
Notary Public.

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above copy which is a true and correct copy of the original transcript in the above case.

Subscribed and sworn to before me this 9th day of July, 1902.

*M. E. Kaufman*  
*P. S. Renter*  
Notary Public.



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

505

In the matter of the application of George W. Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George W. Vann, et al.,.....	Cherokee Freedmen	D 115
Mary J. Youngblood, et al.,...	"	D 134
Cornelia Hill,.....	"	D 138
Elmira Wiggins, et al.,.....	"	D 168
Richard Vann,.....	"	D 169
Young Vann, et al.,.....	"	D 1070
Isaac B. Vann, et al.,.....	"	D 1071
Mary J. Qualls, et al.,.....	"	D 1096

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 George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, Harrison, James and Peter Vann; said application also included his wife, Mary J. Vann, for whom he applied for enrollment as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time she is not embraced in this decision; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Geralee, Cassie M., Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Ann W. and Gant Vann; by Isaac B. Vann for himself and his two minor children, Felix and Catherine Vann; the last named application also included Belle Vann, wife of said Isaac B. Vann, but she is differently classified and is not embraced in this decision; and by Mary J. Qualls for herself and her minor children, James, John, Westly, Emperor, Sarah and Ben Qualls. Copies of the testimony of W. W. Wheeler taken in the case of Joseph Bruner, et al., Cherokee Freedmen D 1082, are made a part of the record herein.

The principal applicant, George W. Vann, claims right to enrollment as a Cherokee Freedman, alleging that he was, at the commencement of the rebellion, the slave of Jim Vann, a Cherokee citizen. It appears that said Jim Vann was one of the children of Joe Vann, a Cherokee citizen, who owned a large number of slaves, among them being one named George Vann; that some time prior to 1860 Joe Vann was killed and his slaves descended to his children, his daughter, Delilah Vann, coming into possession of George Vann last above mentioned; and that said George Vann was afterwards drowned

at Fort Scott, Kansas. The correct name of said principal applicant seems to be George W. McKamy, which name he bore from a time long before the war down to about 1877 or later; and it does not appear that said principal applicant was the slave of Jim Vann or any other Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since the commencement of the rebellion; that their rights to enrollment, if they possess any, are based upon those of said George W. Vann except the applicants, Elmira Wiggins with her two children, Alberta and Herbert Wiggins, Young Vann with his two children, Ann W. and Gant Vann, Mary J. Qualls with her six children, James, John, Westly, Emperor, Sarah and Ben Qualls, and Isaac B. Vann with his two children, Felix and Catherine Vann, whose rights to enrollment, if they have any, are based upon those of James Vann. The said James Vann, also called Jim Vann in the testimony, was born before the commencement of the rebellion and is a son of the principal applicant. It is alleged that said James Vann was the slave of a Cherokee citizen at the commencement of the rebellion, but it is not proven that he returned to or was residing in the Cherokee Nation at the time of the passage of the Cherokee treaty of 1866 or at any time within six months thereafter; the only evidence tending to show that he did return within such period being that of said George W. Vann, and it is shown by the evidence that the latter was not in the Cherokee Nation, himself, during said period.

None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George W. Vann, his children, Harrison Vann, John Vann and Jane Vann, and his grandchildren, John Vann, Richard Vann, Thomas Vann, Harrison Vann, James Vann and Peter Vann; Mary J. Youngblood and her children, Sarah A. Howell, Pearly Hill, Coralee Youngblood, Cassie M. Youngblood, Richard Youngblood and Washington Youngblood; Cornelia Hill; Elmira Wiggins and her children, Alberta Wiggins and Herbert Wiggins; Richard Vann (son of George W. Vann); Young Vann, Ann W. Vann and Gant Vann; Isaac B. Vann and his children, Felix Vann and Catherine Vann; and Mary J. Qualls and her children, James Qualls, John Qualls, Westly Qualls, Emperor Qualls, Sarah Qualls and Ben Qualls as Cherokee Freedmen should be denied, under the provisions of Section 21 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.

Muskogee, Indian Territory,

this MAR 11 1904

\_\_\_\_\_  
Commissioner.

COPY

Cherokee Freedman  
D-135.

Muskogee, Indian Territory, March 28, 1904.

Cornelia Hill,

Mango, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your attorney, A. S. McKee, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

T. B. Needles

Register

Commissioner in Charge.

Enc. D-7.

Cherokee Freedmen  
B-118 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of George W. Vann et al., rejecting the applications for the enrollment of George W., Harrison, John, James, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Corvino, Cassie M., Richard and Washington Youngblood, Cornelia Hill, Minnie, Alberta and Herbert Wiggins, Young, Ann W., Gant, Isaac D., Volin and Catherine Vann, Mary J., James, John, Nestly, Superior, Sarah and Ben Qualls 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.

COPY

Shirley Prudden  
et al.

Enbridge, Indian Territory, March 20, 1904.

The Honorable

The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George V. Vann et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George V., Harrison, John, James, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Fanny Hill, Cornelia, Cassie W., Richard and Washington Youngblood, Cornelia Hill, Elvira, Alberta and Herbert Wiggins, Young, Ann W., Gust, Isaac B., Felix and Catherine Vann, Mary J., James, John, Nestly, Emperor, Sarah and Ben Child as Shirley Prudden.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. 2-10.

Charles Freedman  
D-115 et al.

Mustagee, Indian Territory, March 22, 1904.

A. S. Moran,

Attorney for George W. Vann et al.,  
Mustagee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental proceedings had in the consolidated case of George W. Vann et al., together with a copy of the Commission's decision, dated March 21, 1904, rejecting the applications for the enrollment of George W., Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter, and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Coralee, Cassie M., Richard and Washington Youngblood, Cornelia Hill, Minnie, Alberta and Herbert Higgins, Emma, Ann W., Carl, Isaac W., Felix and Catherine Vann, Mary J., James, John, Willie, Emperor, Sarah and Lee Qualls, as Charles Freedman. You have heretofore been furnished with a copy of the original records.

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*

Register.

Sec. D-2.

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.  
D. 135.

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



Muskogee, Indian Territory, November 14, 1906.

Cornelia Hill,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior November 3, 1906, and the motion to reopen your case, denied.

Respectfully,



Commissioner.

ENC



Cherokee F.  
D. 135.

Muskogee, Indian Territory, November 14, 1906.

A. S. McRae,  
Attorney for Cornelia Hill,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the application of Cornelia Hill, for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior November 3, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. C-71  
LMS

Cherokee F.  
D. 135.

Muskogee, Indian Territory, November 14, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904 rejecting the application of Cornelia Hill for enrollment, as a Cherokee freedman, was affirmed by the Secretary of the Interior November 3, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. C-72  
LMB

C copy.

JF Jr.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 48730-1906.  
I.T.D. 10192-1904.  
11672- "

November 3, 1906.

LRS

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

Sir:

On October 10, 1904 (Land 20181), the Indian Office transmitted a report of the Commission to the Five Civilized Tribes dated March 27, 1904, forwarding the record in the matter of the consolidated applications of George W. Vann for himself, his three children, Harrison, John, and Jane Vann, and his six grandchildren, John, Richard, Thomas, James, and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill, and Geralee, Cassie M. Richard, and Washington Youngblood; by Geruelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah, and Ben Qualls, for enrollment as Cherokee freedmen, together with its decision dated March 11, 1904, adverse to all of said applicants. The Indian Office concurred in the decision of the

Commission. A copy of its letter is inclosed.

On November 14, 1904 (Land 77695), the Indian Office also forwarded a communication from the attorneys for the applicants, transmitting a motion to reopen said case and hear additional testimony. A consideration of said motion develops the following facts:

The rights of all the applicants in the case are found by the Commission to depend upon the right of the principal applicant, George W. Vann, except applicants claiming by intermarriage and the descendants of James Vann, known as Jim Vann, the son of George W. Vann, who it is alleged was the slave of a Cherokee citizen at the commencement of the rebellion, and returned within the period prescribed in the Cherokee treaty. The decision of the Commission is based upon the claim of George W. Vann that he is entitled to enrollment by reason of the fact that at the commencement of the rebellion he was the slave of a Cherokee citizen, one Jim Vann, and that he returned to or was residing in the Cherokee Nation within the six months named in the treaty of 1866.

In the consideration of this case a large amount of testimony has been introduced by both the applicants and the nation, based on the above contention. It is now alleged in the motion of the applicants that George W. Vann was a free colored person residing in the Cherokee Nation at the commencement of the rebel-

lien, and that his son, James Vann, was also a resident of the Cherokee Nation prior to the war. It is further alleged that there was a confusion of names in this case by reason of the fact that Jim Vann, the son of Josh Vann, a Cherokee by blood, was chosen by George W. Vann as his protector previous to the rebellion.

It is also stated that the Commission erred in holding that the applicants should prove their return on or before the 10th day of January, 1867, instead of February 11, 1867.

The Department has considered the motion, together with the arguments filed in reference thereto. The affidavits filed in support of the motion are vague and unsatisfactory. It does not appear from the record that the applicants returned to and established a bona fide residence within the Cherokee Nation prior to February 11, 1867, as is required to be shown by the act of April 26, 1906 (34 Stat., 137), in Cherokee freedman cases.

It is not apparent that the principal applicant can overcome the adverse effect of the decision of the Cherokee Citizenship Commission created by the Cherokee act of 1877, which decision is dated May 2, 1878. The act creating the commission provides as follows:

"The commission on citizenship shall have cognizance of and exercise complete jurisdiction over all cases arising under the constitution and laws of the Cherokee Nation involving the right of citizenship as hereinafter specified."

Judge Springer in an opinion in reference to Cherokee citizenship, stated--

"In all cases wherein it appears that applicants for citizenship in the Cherokee Nation filed their claims before the proper tribunal or commission and in all cases where the tribunal or commission acting within the scope of its jurisdiction as prescribed by the law of the Cherokee Nation, and admitted such persons to citizenship, this court will regard such cases as adjudicated, and in all cases where such applicants were rejected, the same rule will apply. In order to set aside such adjudications, whether in favor or against such applicants, it must be made to appear to this court, either that the tribunal or commission acted without jurisdiction, or that the decision of the commission was procured by fraud." (First Dawes Commission Report, page 128).

The decision of the Citizenship Commission is not attacked by the applicant. He must also overcome the strong suspicion of fraud raised by his former testimony.

In view of these facts, it is not deemed proper to put the Government, the nation, and the applicants to the expense of a further hearing.

The motion is hereby denied. The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, adverse to the applicants, is affirmed.

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

Respectfully,

E. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 25 to Ind. Of.

Copy

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, October 10, 1904.

Land.  
20181-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 23, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Coralee, Cassie M. Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, George W.

Vann, whose correct name seems to be George W. McKamy, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The evidence shows that all of the other applicants were born since the beginning of the rebellion and any rights to enrollment they possess are derived from the same George W.

Vann.

None of the names of the applicants is found on the 1880 authenticated Cherokee roll.

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

Very respectfully,

Acting Commissioner.

N.M.M.  
V.



7B

10/10/01

✓

OFFICE OF THE  
COMMISSIONER OF THE FIVE CIVIL DISTRICTS  
**FILED**  
APR 20 1901

*[Handwritten signature]*

ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office Berge

District Seq

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

Parents:  
Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_  
(V) Name of wife Cornelia Hill Age 22

Owners name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year N.C. Page 160 No. 3955 District Seqs

Parents:  
Father Balaam Hill Citizenship Col D  
Mother Mary J. Youngblood Citizenship Col

Names of Children:

No.	Name	Year	Page	No.	Dist.
3.	<del>Clara Banta</del>				
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 hok Application made by \_\_\_\_\_ Stenographer James B. G.

# 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.

*Cornelia Hill*

*George J. S.*  
*C. J. 2135*

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Cherokee Enrollment Div

921826  
JHP



Do not remove from this envelope

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forward to the mint ark

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Cher. Fr. R-841

Trans. from  
Cher. Fr. D-166

Cher. Fr. R-841

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

In the matter of the application of Rachel Whitaker for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

- Q What is your name? A Rachel Whitaker.  
Q How old are you? A I don't know.  
Q About how old are you? A I don't know sir.  
Q Are you 60? A Yes sir, I guess so.  
Q Maybe 65? A I don't know.  
Q What is your post-office? A Chouteau.  
Q What district do you live in? A Saline.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir, has been all the time.  
Q You been acknowledged by the Cherokee authorities as a Cherokee freedman? A Yes sir.  
Q Is your ~~name~~ name on the authenticated roll of 1880? A Yes sir, it ought to be.  
Q Who do you want to enroll besides yourself? A My little girl and boy. Tommie McGee and Ethel McGee.  
Q How old is Tommie McGee? A 16.  
Q How old is Ethel? A 8.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Milton Whitaker.  
Q Were you married before you married him? A Yes sir.  
Q What is the father's name of these children? A Rufus McGee.  
Q Is he living? A Yes sir.  
Q You divorced from him? A Yes sir.  
Q What was your name before you married McGee? A Rachel Bryant.  
Q What was your father's name? A George Bryant.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Polina Cobb, but I don't know anything about my mother.  
Q She is not living? A No sir.  
Applicant: I always went by the name of Rachel Lynch; I never did go by my ~~father~~ papa's name.  
Q You knew your name wasn't on the roll of 1880 didn't you? A I don't know sir, what roll it's on.  
Q You knew it wasn't on that roll? A I don't think it is on that roll.  
Q Is your name on any roll? A Yes sir.  
Q What roll? A I don't know exactly.  
Q Did you ever draw any Cherokee money? A Oh yes sir, I drew twice.  
Q Did you draw the Kerns-Clifton money? A Yes sir, and then I drew this last time.  
Q Strip payment roll? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation  
Nation examined and applicant not found.

1896 census roll of citizens of the Cherokee Nation examined  
and applicant not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation,  
page 117 #2896 Rachel McGee, Delaware District.  
page 117 #2897 Tom McGee, Delaware District;  
page 117 #2898 Ethel McGee, Delaware District.

- Q Were you a slave before the war? A Yes sir.  
Q Who did you belong to? A Little Joe Lynch.  
Q Was he a Cherokee? A Yes sir, I guess so.  
Q Was you taken out of the country during the war? A Yes sir.  
Q Where to? A To Kansas.  
Q When did you come back from Kansas? A I was small school child,

I don't know when I came back; I can't recollect anything much about before the war, but I recollect when I came.

Q Have you been living here ever since? A Yes sir, living in the Territory ever since.

Q You are in the neighborhood then of forty years old? A Yes sir, I guess so.

Q Do you recollect anything about the war? A Yes sir, I recollect little bit about it.

Q You must have been then four or five years old then? A I guess so, wasn't big enough to do anything.

Examined by Cherokee Representative, James S. Davenport:

Q Who did you come back with when you came back from Kansas?

A Came back with my grand-pa and my mother's folks.

Q Who were they? A Addie Martin and Charlotte Martin.

Q You belonged to Lynch? A Yes sir; that's what I have heard them say they belonged to.

Q Do you remember to what point you came when you came back from Kansas? A No, sir, I was small school child.

Q You didn't go to the Lynch place then? A Yes sir, we went in about two hundred pards of the place, and lived there about a year after we come back.

Q Who was living on the Lynch place when you got back there?

A Man called Bill Foreman, and his wife and children, is all.

Q You don't remember when that was? A No, sir.

Q But you were quite a school girl? A Yes sir.

Commissioner Needles examined applicant:

Q Your father is named George Bryant? A Yes sir.

Q Is he living? A Yes sir.

Q Your mother's name is what? A They called her Polina Cobb; she was sold.

Q Is she living? A I don't know.

Q Your father is living where? A In the country from Vinita about 15 miles.

Q Where do you live? A In Saline here.

Q Have you got any witnesses here now that knows about you, when you come back? A I don't know, sir.

Examined by Cherokee Representative, James S. Davenport:

Q How long since you ~~left~~ left Muskogee? A I have been away ever since September I guess.

Q You had been living there since you and your husband separated there at Vinita until September? A No, sir, I had been living across the river from Chouteau.

Q You and McGee are not divorced yet? A Yes sir.

Q Where was the decree of divorce procured? A I don't know, sir, Judge Springer and Mr. Stanford was the ones attended to that, you will have to ask them.

Q The reason why I asked you that I know of my own knowledge the case is yet pending at Vinita unless it was dismissed the last term of court.

Com'r Needles: The name of Rachel Whitaker is not found upon the authenticated roll of 1860 nor the census roll of 1896; her name is found upon the Kerns-Clifton roll as Rachel McGee, that having been the name of her former husband, she now being married to one Milton Whitaker; the names of her two children, Tom and Ethel McGee, by her former husband, are also found upon the Kerns-Clifton roll, their names are not found upon any other roll; by reason of the fact that the name of Rachel Whitaker is not upon the authenticated roll of 1860, and no satisfactory proof is made as to her citizenship, her name and that of her two children will be



Rachel Whitaker et al 3

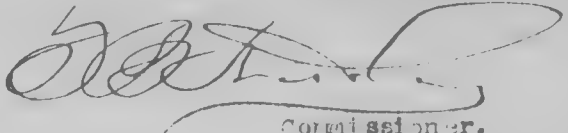
placed upon a doubtful card as Cherokee Freedmen, for the further consideration of the commission.

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A. 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.

*A. D. Green*

Subscribed and sworn to before me this April 24, 1901.



Commissioner.

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of RACHEL WHITAKER, ET AL., as Cherokee Freedmen.

Appearances:

J. S. Davenport and L. B. Bell, Attorneys for the Cherokee Nation.

RACHEL WHITAKER, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: What is your name? A Rachel Whitaker.
- Q How old are you? A I don't know.
- Q Were you born before the commencement of the war? A Yes sir.
- Q Do you remember about the war of your own knowledge? A Yes sir.
- Q What is your postoffice? A Cheuteau.
- Q What district do you live in? A Across Grand River, in Saline, I guess.
- Q About how old were you when the war closed? A I don't know, sir how old I was.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q Where were you taken? A Carried to Garnett, Kansas.
- Q Do you remember about it? A Yes sir.
- Q When did you return? A Returned back whenever their papers shows we got back.
- Q Who did you come back with? A My folks that carried me away.
- Q What was their names? A Charlotte and Adam, Adam Martin. My grandmother was named Charlotte Adair. They always called my grandfather Adam, I think, he belonged to Martin though.
- Q What was your father's name? A George Bryant.
- Q What your mother's name? A My mother's name was Paulina Colbert.
- Q Did you come back the same time your family did? A Yes sir. I didn't come back with her. My mother was sold to Texas. My mother's mother raised me.
- Q You didn't come back with your mother? A No sir, she went to Texas, and I went to Kansas.
- Q You didn't come back with your father? A No sir, come back with grandfather and grandmother.
- Q Did anybody else come with your grandparents? A Yes sir.
- Q Name some of them? A Joe Bean, Jake Bean, Art Bean, Rachel Bean. Of course I was small and don't know all of them.
- Q Name all you can of them? A Tobe Bean come back, and his wife?
- Q What was her name? A I can't recollect.
- Q What was Tobe Bean's wife's name? A I think her name was Margaret, I think that was her name, I am not certain.
- Q Where did you come to first? A Down here to Lynch's, across Grand River.
- Q In what district? A Across the river, I guess it is in Saline. I don't know what district it is in.
- Q In the Cherokee Nation? A Yes sir.
- Q Who did you find living there when you came? A Found lots of colored folks and Indians that just got in. Bill Foreman, his wife, and old man Scraper's and West's people.
- Q Name some of them? A Watt West and Bill West, then he had two or three others.

Q Watt West and Bill West were both living here when you got here?  
 A Yes sir, and old man Scrapper, and old man Scrapper and all of his people.  
 Q What was his name? A I don't know sir, only knows him as Scrapper.  
 Q What colored people were living there? A I don't really recollect.  
 Q Name some of them? A Aunt July Martin was living there for one, and lots of colored people. I was just a little bit of a school child.  
 Q Name some of the others living there besides July Martin?  
 A I can't recollect them all.  
 Q Can you remember any of the other colored people? A Yes sir, a man by the name of Patty Judge, he lived there, and an old man called Doctor Will.  
 Q They were colored people? A Yes sir, and old Jincy, and uncle Jordan Thompson, his people, Simon Lynch, they all lived in that same neighborhood, and old uncle Griffin, uncle Simon's father.  
 Q Griffin Lynch? A I guess that's his name. There was just a town of darkies there.  
 Q All those people were living there when you came back after the war? A They were there, yes sir, and old Uncle George Landrum, he was living there too, old Aunt Caroline Landrum's husband. Chlora Foreman's father was living there too. There was so many I can't tell them all.  
 Q Was that in Saline District, you say? A Yes sir.  
 Q What part of Saline District? A Just across the river from Island Ford. I don't know what they called it.  
 Q Across what river? A Grand River.  
 Q Do you remember anything about them Horse Creek fight? A When those colored people got killed? Yes sir. I recollect it, but I was small, I don't recollect much about it, only heard people speak of it.  
 Q Do you know whether that was before or after you came down?  
 A No sir, I was small, I don't recollect.  
 Q You can't recollect the year that you came back after the war?  
 A No sir, I was small, I don't know. I don't know only what my people say. My grandfather claimed he came in the time those papers were made out, I don't know anything about it at all.  
 Q Have you lived in the Cherokee Nation ever since you came back after the war? A Yes sir, never lived any place else.  
 MR. BELL: Your mother was sold out, the reason why she wasn't with you? A Yes sir.  
 Q Who did she belong to? A Old Bryant.  
 Q He sold her out before the war commenced? A I don't know, just by her since I have been free. He said he took her down to Texas, this side of the river and sold her there and left her there, and didn't carry her to Texas at all.  
 Q He didn't carry her to Texas? A He started there and he got to the river, and sold her to a white man on this side of the line.  
 Q That is when he was going south? A Yes sir.  
 Q Down there at Red River? A Yes sir, sold her on this side of the river.

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

Subscribed and sworn to before me this 27th day of October, 1900.

*Chas. D. Sawyer*  
 Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
WASHINGTON, D. C., JUNE 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of RACHEL WHITAKER, ET AL., as Cherokee freedmen.

It appears that on June 16, 1904, the applicant and the attorney for the Cherokee nation were notified by letter that an opportunity would be given each of them to appear before the commission at its offices in Muskogee, Indian Territory, on June 25, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant appears neither in person nor by attorney.  
Cherokee Nation by its attorney, James S. Davenport.

G. W. CLARK, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

By the Commission:

Q What is your name? A G. W. Clark.

Q How old are you? A 62.

Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.

Q Do you know Rachel Whitaker who claims to be a Cherokee freedman?

A I don't know her by that name; I know Rachel Bryant; she was a little girl.

By Mr. Davenport:

Q Do you know who Rachel Bryant's father was, Mr. Clark? A Yes, sir, he belonged to Joel Bryant; his name was George Bryant.

Q Do you know where they lived at the breaking out of the war?

A No, sir, I don't know; didn't know them then.

Q Do you know whether or not she went by the name of Rachel Lynch?

A She lived with her grandparents; they belonged to the Lynches and Martins.

Q Who was her grandfather? A His name was Adam.

Q Adam what? A Some called him Lynch and some Martin.

Q Do you know whether or not Rachel Bryant, as you know her, and her grandfather left the Cherokee Nation during the war? A They went to Kansas.

Q When did they return to the Cherokee Nation? A At the old Lynch place in the fall of 1867 or 1868.

Q Did you leave the Cherokee Nation during the war? A No, sir.

Q You were in the army during the war? A Yes, sir, and was mustered out at Fort Gibson on the 31st day of May, 1866.

Q After you were mustered out to what place did you return? A The next day to the old Joe Lynch place, the place is controversy.

Q How long did you live at or near this place? A I went there and was married eight days afterwards and have lived in that vicinity ever since.

Q When after you returned to the old Joe Lynch place did Adam Bryant or Martin and his family return to the Cherokee Nation? A My father-in-law lived on that place and he continued to live there to make two crops, in 1865 and '6.

Q Who was your father-in-law? A George V. Swatter.

Q After he moved off who took charge of the place? A Len Lynch came there in the winter of 1866 and the treaty give them the place back and the old man turned the place over to him in the spring of 1867, and he rented it to old manscraper.

Q How long did he live there before Rachel Bryant and the grandfather came back there? A In the fall of 1867, when Foreman taken in the field Len Lynch had charge of the place, and it was after then that this old darkey, Adam, come back to the farm.

Q You know him as Adam Martin, Lynch or Bryant, which? A He went by the name of Martin.

Q He was the grandfather of Rachel Bryant? A Yes, sir, and his wife was her grandmother, old aunt Charlotte.

Q You don't know her husband, Martin Whitaker? A No, sir, not by that name.

Q Do you know of her marrying anyone? A My understanding is she married a man by the name of McGhee.

Q About how long did they live there at the place after they returned? A When the Delawares came in here, there was a white man with a Delaware family, by the name of Burress and he bought the Lynch place from the Lynch heirs and he took charge of the place and the old man, this old colored man, had made a place right down the spring branch two or three hundred yards and he continued to live in one of the nigger houses that was vacated at the beginning of the war; I don't know whether it was one he lived in before the war or not, but it was one of them, and he kept that until old man Burress bought this place and I think he stayed one year longer and then he moved in 1 1/2 miles of my, on the opposite side of the river.

Q Been living around in the country there since that time? A Yes, sir, until he died.

Q Do I understand you to say you know who Rachel's father was?

A No, sir. Yes, sir, he belonged to my kin folks.

Q What was his name? A George Bryant.

By the Commission:

Q Did you know the name of Rachel's mother? A No, sir, I didn't know her owner; my understanding was that her mother was dead and she was living with her grandparents; she was just a young girl when they came down from Kansas.

Q About how old is Rachel now, do you think? A She looked to be about eight or ten years old then, and that was 1865; that's been 39 years age since 1866; my eldest child was born then and he is 38 years old; she must be in the 40's.

Q She was born before the war? A Yes, sir.

Q This times you speak of having seen Rachel in the Cherokee Nation shortly after the war, do you know whether that was the first time she had ever been in the Nation? A Yes, sir, she moved from Fort Scott down; I lived right there in the neighborhood.

Q And that was what year? A 1867 or '68, I think '68.

Q What time of the year? A In the fall when they came down; I know it was after Lynch had took charge of the place, because I was there on the place in 1866 and 1867 while my father-in-law lived there.

Q Do you know where this woman is living now? A No, sir, I don't know; she has left that country up there.

Q How long did she continue to live in that neighborhood? A For several years until she was grown, and I think she married up here about Wagoner. I moved out of the neighborhood there and sorter lost run of them along in the 80's. I still own the farm there, however.

Q Can you explain how you fix the date that you first saw these people other than the fact that you had just moved there? A Yes, sir, I was married there in 1865. My first child was born there in that house on the third of April in 1866, and my father-in-law lived there and we were visiting there all the time and I remember it mighty well.

By Mr. Davenport:

Q After your child was born how many crops were made on this place? A Old man Scraper made the crop in 1866 and the treaty was made the 19th of July. During that winter Len Lynch came down and he rented the place and the- to the old man's son-in-law, Foreman.

Q How long did Foreman live there? A One year that would have been the year 1867.

Q Had Foreman moved off before these folks came? A Yes, sir, he left that fall and went to Big creek.

Q After he moved off who took charge of the place? A Len Lynch when these colored folks came there, and it wasn't only uncle Adam come there; two or three come there, and Len tried to run the place with them.

By the Commission:

Q You stated you knew the applicant's father, what became of him during the war? A He went north, to Kansas.

Q Do you know anything about the date of his return? A I think he returned about '69; he lives right there in the same neighborhood now; he didn't return until after they returned.

Q A year or so after they returned? A Yes, sir, as well as I remember.

o-p-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 reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 22nd day of July, 1904.

*Charles H. Sawyer*

Notary Public.

C7B  
760

Cherokee Freedman D 166

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

In the matter of the application for the enrollment of Rachel Whitaker, Thomas McGee and Ethel McGee, as Cherokee Freedmen.

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D E C I S I O N .

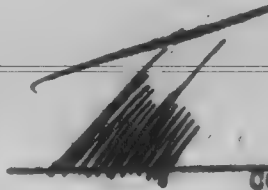
THE RECORDS OF THIS OFFICE SHOW: That, at Fort Gibson, Indian Territory, on April 24, 1901, Rachel Whitaker appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of herself and her two minor children, Thomas and Ethel McGee, as Cherokee freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, September 24, 1903, and at Muskogee, Indian Territory, June 28, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Rachel Whitaker, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she left the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 8, 1896, in the case of Moses Whitacre, trustee, etc., vs the Cherokee Nation, et al., for the return of freedmen to said Nation.

THE EVIDENCE FURTHER SHOWS: That the applicants, Thomas McGee and Ethel McGee, are the minor children of the said Rachel Whitaker and one Rufus McGee, and after equal opportunity having

been afforded, have failed to show that they possess any rights to enrollment through their said father. Cherokee Freedman Enrollment card No. D 166 shows the said Rufus McGee to be a non-citizen of the Cherokee Nation, and the records of this office fail to show that application has ever been made for the enrollment, as a citizen of the Cherokee Nation, of any one under this name. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commissioner

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Rachel Whitaker, Thomas McGee and Ethel McGee are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,  
this SEP 8 1905



Musberger Indian Territory, Mar 13 1885

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in CS 4 166

Rachel Whitaker

W. S. Stanfield &  
Thomas J. Foreman  
Attorney for Applicant.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

ss

*Whiteaker*

In the matter of the application of *Rachel*

for enrollment as a Cherokee Freedman.

No. F. D. *166*

*Henry Pack*, of lawful age, being duly sworn on oath states that on the *12* day of *September*, A. D., 1901, he registered to *Rachel Whiteaker* 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 *Fort Gibson* Indian Territory; and that on the *20* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Rachel Whiteaker*, showing that he had received said notice.

Subscribed and sworn to before me on this the *20* day of *Sept*, A. D., 1901.

*Henry Pack*

*J. C. Starr*

Notary Public.

6. 11/85

PA  
C.V.

11/85

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SEP 21 1901

NEW YORK

# NOTICE!

*IN THE MATTER OF* The application of Rachel Whiteaker  
for enrollment as a Cherokee Freedman:

Case No. F. D. 166

To Rachel Whiteaker

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. 1st 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 17 day of 1901, 1901.

*L B Bell*

*Attorneys for the Cherokee Nation.*

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

In the matter of the application for the enrollment of Rachel Whitaker, et al., as Cherokee freedmen.

Reply on behalf of Cherokee nation to  
Motion for rehearing.

The representatives of the Cherokee Nation upon examination of the motion for rehearing find that the applicant has filed copies of affidavits of Columbus McNair, Fred Martin, George Bryant and Tobe Bean as to when she returned to the Cherokee nation after the war. Three of these affidavits are signed by mark; no one was present representing the Cherokee Nation and had an opportunity to cross examine them. The representatives of the Cherokee nation believe that the time has come when this manner of procedure should stop, and when the applicants have closed their case they should be bound by the action of the Commissioner and the Secretary of the Interior. No diligence is shown by the applicant, but a decided lack of diligence is shown in her motion to reopen in keeping up with her case and trying to ascertain what action if any had been taken in it. The representatives of the Cherokee Nation contend that the decision of the Commissioner to the Five Civilized Tribes is correct and should not be disturbed. The record shows that Rachel Whitaker claims that she returned to the Cherokee nation in 1866 and has continued to reside therein since that time. There is no evidence introduced by the applicants to show that they were entitled to enrollment as freedmen citizens of the Cherokee Nation or that they complied with the treaty relating to freedmen. The testimony does show that she did not return to the Cherokee nation until the year 1868 or later.

We, therefore, respectfully submit that the motion to reopen this case should be denied for the reason that they failed to allege newly discovered evidence or diligence in procuring same, and that the decision of the Commission is correct and should be affirmed.

Respectfully submitted,

Attorneys for the Cherokee Nation

To the Commissioner to the Five Civilized Tribes:

The undersign-

ed, having been rejected and denied enrollment as citizens of the Cherokee Nation, Indian Territory, and being applicants for enrollment as citizens of said Cherokee Nation under case of number and styled as follows, to wit: D.-166 Cherokee Freedmen. Rachel Whittaker et als., and all such applicants being <sup>now</sup> of full age, we, each for himself and herself respectively, hereby appoint C. H. Castle of Wagoner, in the Western District of Indian Territory, as our attorney to prosecute our said application, and to act for us and in our steads in the conduct and prosecution of our application or applications to be enrolled as citizens of the said Cherokee Nation.

And we hereby revoke any and all former power of attorney, either express or implied, presented or alleged to be held by any one whomsoever, herein, ~~we~~ hereby expressly revoke <sup>such</sup> power of attorney as may have been held or exercised by W. B. Stanfield, and Thomas A. Foreman, or any of them.

Signed at Wagoner, Indian Territory, on this 21st. day of September, 1900.

Witnesses to mark  
of Rachel Whittaker:

A. Hughes  
J. L. King

Rachel <sup>Her</sup> Whittaker  
Thomas McElree  
Ethel McElree

# **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 Whiteaker,  
Chouteau, I.T.

Cherokee F-D-166  
Register.

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

Commissioners.

CHEROKEE FREEDMEN.

APR 24 1901

Date \_\_\_\_\_  
Post Office Chattanooga TN  
District Saline

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

Parents:

Father Robert Jones \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife Rachel Whiteaker Age 40  
Owners name Joe Lynch \_\_\_\_\_  
Year Kand C, Page 117 No. 2896 District Delaware

Parents:

Father Gen. Bryant Living \_\_\_\_\_  
Mother Pauline Colbert - dead \_\_\_\_\_

Names of Children:

- 3. Thomas McShee Year 1898 Page 117 No. 2896 Dist. Delaware 16
- 4. Ethel " " Year " Page 117 No. 2898 Dist. " 8
- 5. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. 4
- 6. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 7. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 8. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 9. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 10. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 11. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 12. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Robert Jones

Application made by Rachel Whiteaker Stenographer M. D. Green

- 1. Ark and C, roll as Rachel McShee
- 2. " " " " " " " "
- 3. " " " " " " " "



Cherokee Freedmen  
D-166.

Muskogee, Indian Territory, September 11, 1903.

Rachel Whitaker,

Cheuteau, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

( C O P Y )

Cher. F.D.-166.

Muskogee, Indian Territory, June 10, 1904

Rachel Whitaker,  
Choteau, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee Freedmen you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced, tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and as to the date of your return to the Cherokee Nation after the close of the war.

You are, therefore, hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A.M. Tuesday, June 28, 1904, and introduce testimony as above indicated.

In this connection you are advised that the Commission particularly desires the testimony of Joe, Jake, Art and Rachel Bean, with whom you claim to have returned to the Cherokee Nation after the war.

Respectfully,

Chairman

Char. P. D-166.

Muskogee, Indian Territory, June 10, 1904.

Rachel Whitaker,  
Choteau, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee Freedmen you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced, tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and as to the date of your return to the Cherokee Nation after the close of the war.

You are, therefore, hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 22, 1904, and introduce testimony as above indicated.

In this connection you are advised that the Commission particularly desires the testimony of Joe, Jake, Art and Rachel Ross, with whom you claim to have returned to the Cherokee Nation after the war.

Respectfully,

Chairman.

Cher/ Y. D-266.

Muskogee, Indian Territory, June 10, 1904.

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

Dear Sir:

In the matter of the application of Rachel Whitaker et al., for enrollment as Cherokee freedmen you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced, tending to show whether or not the principal applicant was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and as to the date of her return to the Cherokee Nation after the close of the war.

The applicant has, therefore, this day, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 29, 1904, and introduce testimony as above indicated. She has been especially requested to introduce the testimony of Joe, Jake, Art and Rachel Bean, with whom she claims to have returned to the Cherokee Nation after the war.

The Cherokee Nation will be permitted to appear on that

W.V.H.-2.

date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Cherokee  
F D-166.

COPY.

Muskogee, Indian Territory, September 9, 1905.

Rachel Whitaker,  
Choteau, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of yourself, and your children, Thomas and Ethel McGhee, as Cherokee freedmen. Your attorneys, Thomas & Foreman, Muskogee, Indian Territory, have heretofore been furnished with 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 this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

*W. O. Beall*  
Acting Commissioner.

Incl. 01-210.  
OHL.

OOPY.

Cherokee  
F D-156.

Muskogee, Indian Territory, September 9, 1905.

Thomas & Foreman,

Attorneys for Rachel Whitaker et al.,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Rachel Whitaker, Thomas and Ethel McGhee, 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 this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

*W. O. Beall*  
Acting Commissioner.

Incl. GE-211.  
OHL

Cherokee  
F D-166.

COPY.

Muskogee, Indian Territory, September 9, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Rachel Whitaker, Thomas and Ethel McGhee, as Cherokee freedmen.

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

Respectfully,

CHW:ED.

*W. O. Beall*

Acting Commissioner

Incl. GI-212.  
GHL



COPY.

Muskogee, Indian Territory, September 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Rachel Whitaker, Thomas and Ethel McGhee, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting said application.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GI-213.  
GHL

Through the  
Commissioner of Indian Affairs.

Cherokee Freedmen

COPY.

D-166.

Muskogee, Indian Territory, September 19, 1905.

C. E. Castle,

Wagoner, Indian Territory.

Dear Sir:

This office is in receipt of your letter of September 1, stating that you represent Rachel Whitaker and her two children, applicants for enrollment as Cherokee freedmen, and ask to be advised the status of their case.

In repl. you are advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application of Rachel Whiteaker for the enrollment of herself and children, Thomas and Ethel McGhee, as Cherokee freedmen, was forwarded to the Secretary of the Interior on September 11, 1905, for his review and decision.

You are further advised that the records of this office show that W. S. Stanfield and Thomas & Foreman are attorneys of record in this case.

Respectfully,

SIGNED

*Wm O Beale*  
Acting Commissioner.

LS

Cherokee Freedmen

D-166,

COPY.

Muskogee, Indian Territory, October 24, 1905.

Mabel Whiteaker,

Choctaw, Indian Territory.

Dear Madam:

This office is in receipt of a recent communication, without date, signed by yourself and children, Tommie McChes and Ethel McChes, stating that you have employed C. E. Castle of Wagoner, Indian Territory, to represent you in the matter of your application for enrollment as Cherokee freedmen, and that you no longer desire to be represented by W. S. Stanfield and Thomas S. Foreman.

Your communication has been noted and filed.

Respectfully,

(SIGNED)

*Turne Birby*  
Commissioner.

LS

-Copy-

Land,  
78494-1908  
81894- "

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

January 6, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1906, transmitting the record of the application for enrollment as Cherokee Freedmen by Rachel Witcher for herself and her two minor children, Thomas and Ethel Moore.

September 8, 1906, the Commissioner decided adversely to the applicants.

The record shows that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she left the Cherokee Nation, and that she did not return thereto and establish a residence therein on or before February 11, 1867; that the minor applicants are the children of Rachel Witcher and one Rufus Moore, and after every opportunity afforded, they have failed to show that they possess any rights through their father, Rufus Moore.

Inspecting the New-Elizabethton roll, none of the applicants is identified on any roll of the Cherokee Nation. There is also enclosed a letter from G. B. Smith, Secretary of the Cherokee Indian Territory, transmitting a notice for responding to the same,

which has been carefully considered.

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

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.M.M. - NL.

Y.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I. T. D. 320-1906.

January 13, 1906.

LRS

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

Sir:

January 6, 1906 (Land 73494-1906), the Indian Office submitted the Cherokee freedman case of Rachel Whitaker, et al., D. 166.

October 4, 1905, there was filed a motion for rehearing in this case. It bears no evidence of service upon the attorneys for the Cherokee Nation, and is also defective, as it is not supported by the affidavits of the witnesses proposed to be introduced, in case a rehearing may be allowed, showing the nature of the testimony they would be able to give. It is therefore inclosed to be returned to the attorney who filed it. You will inform him that should a proper motion for rehearing be filed by him before the case is reached, it will receive due consideration.

Respectfully,

(Signed) Theo. Ryan.

First Assistant Secretary

1 inclosure.

Through the Commissioner  
of Indian Affairs.

Y.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LES

I. T. D. 320-1904.

January 13, 1906.

LES

Commissioner to the Five Civilized Tribes,

~~Sequoyia, Indian Territory~~

Sir:

January 6, 1906 (Land 73494-1906), the Indian Office submitted the Cherokee freedman case of Rachel Whitaker, et al., D. 166.

October 4, 1905, there was filed a motion for rehearing in this case. It bears no evidence of service upon the attorneys for the Cherokee Nation, and is also defective, as it is not supported by the affidavits of the witnesses proposed to be introduced, in case a rehearing may be allowed, showing the nature of the testimony they would be able to give. It is therefore inclosed to be returned to the attorney who filed it. You will inform him that should a proper motion for rehearing be filed by him before the case is reached, it will receive due consideration.

Respectfully,

(Signed) Theo. Ryan.

First Assistant Secretary

I inclose.

Through the Commissioner  
of Indian Affairs.

Cherokee Freedmen

D-166.

Muskogee, Indian Territory, January 20, 1906.

C. E. Castle,

Attorney for Rachel Whitaker, et al.,

Wagoner, Indian Territory.

Dear Sir:

There is returned herewith motion filed by you on October 4, 1905, to have reopened the Cherokee freedmen enrollment case of Rachel Whitaker, et al. This motion was denied by the Department on January 13, 1906, for the reason that it bears no evidence of a copy thereof having been served upon the attorneys for the Cherokee Nation, and for the further reason that it is defective, as it is not supported by the affidavits of the witnesses proposed to be introduced in case a rehearing may be allowed, showing the nature of the testimony they would be able to give.

The Department advises that should a proper motion for rehearing be filed before the case is reached, it will receive due consideration.

For your information, there is inclosed herewith a copy of Departmental letter of January 13, 1906.

Respectfully,

Incl. 3-35  
Register



Cherokee Freedmen

D-166.

Muskogee, Indian Territory, January 25, 1906.

Rachel Whitaker,

Wagoner, Indian Territory.

Dear Madam:

For your information, there is inclosed herewith a copy of Departmental letter of January 13, 1906, wherein the motion of your attorney, C. B. Castle, Wagoner, Indian Territory, to have your Cherokee freedmen enrollment case reopened is denied.

You are advised that in accordance with Departmental instructions your attorney has this day been notified that should he file a proper motion for rehearing before the case is reached by the Department, the same will receive due consideration.

Respectfully,

Incl. S-100  
Register

Acting Commissioner.

Muskogee, Indian Territory, April 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith motion made by C. E. Castle, of Wagoner, Indian Territory, to reopen for further hearing the Cherokee freedmen enrollment case of Rachel Whitaker, et al. Affidavits signed by Tobe Bean, George Bryant, Fred Martin and Columbus McNair are attached to and made a part of the motion. A copy of the motion and affidavits has been served on the attorneys for the Cherokee Nation. There is also inclosed a protest of the attorneys for the Cherokee Nation against the granting of said motion. Proof of service by registered mail of a copy of the protest upon the attorney for the applicants is furnished.

The records of this office show that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application of Rachel Whitaker for the enrollment of herself and children, Thomas and Ethel McGhee, as Cherokee freedmen, was forwarded to the Department September 11, 1905.

It is alleged in the motion that the applicant did not have sufficient notice and ample opportunity to introduce testi-

mony sufficient to show that she was entitled to enrollment as a Cherokee freedman. Tobe Bean states in his affidavit that he has known Rachel Whitaker since she came to the Cherokee Nation from Kansas in 1866; that she has resided in the Nation since that time, and that he also knows her father, George Bryant, and sister, Rose Lynch, both of whom are enrolled citizens of the Cherokee Nation. George Bryant, in his affidavit, states that he is the father of Rachel Whitaker; that he is seventy-two years of age, and that he and his daughter, with others, returned to the Cherokee Nation from Kansas in 1866. The affiant Fred Martin states that he is fifty years of age; that he has known Rachel Whitaker since "about 1867," and that she has resided in the Cherokee Nation continuously since that time. The affiant Columbus McNair states that Rachel Whitaker returned to the Cherokee Nation in 1866, and has continuously resided therein since that time.

There is nothing to show that with due diligence the testimony of the parties to these affidavits could not have been secured at the original hearing of the case. Rachel Whitaker was denied enrollment by the Commissioner on the ground that she did not return to the Cherokee Nation after the war of the rebellion within the time specified in the treaty of 1866.

With reference to the statement in the affidavit of Tobe Bean to the effect that George Bryant and Rose Lynch, father

and sister of Rachel Whitaker, are enrolled citizens of the Cherokee Nation, the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of George Bryant for the enrollment of himself and granddaughter, Jennie Morgan, as Cherokee freedmen, was, on July 12, 1906 (I.T.D. 6186-1903), affirmed by the Secretary of the Interior. No record can be found of any application having been made for the enrollment of Rose Lynch, sister of Rachel Whitaker, as a citizen of the Cherokee Nation, and the office is unable to advise as to her citizenship status.

The affidavit of Fred Martin does not appear to be material to the case. George Bryant has been finally denied enrollment on the ground that he did not return to the Cherokee Nation within the time limited by the treaty of 1866, and he states that his daughter, Rachel Whitaker, returned to the Cherokee Nation with him. Tobe Bean and Columbus McNair do not state with whom Rachel Whitaker returned to the Cherokee Nation after the war, and it cannot be presumed that they know more about her return than her father, George Bryant.

It would, therefore, appear that the motion for a rehearing in this case is without merit, and it is respectfully recommended that the same be denied.

On January 13, 1906 (I.T.D. 320-1906), the Department denied a motion made by the attorney filing the motion herewith

transmitted for a rehearing in this case, for the reason that it bore no evidence of service upon the attorneys for the Cherokee Nation, and also for the reason that the motion is defective.

Respectfully,

Incl. 8-28

Commissioner.

---

Through the

Commissioner of Indian Affairs.

P. P.

DEPARTMENT OF THE INTERIOR, LLD

D. C. 18462

WASHINGTON.

D. C. 41362  
I.T.D. 320-1000.

May 9, 1906.

L.R.S.

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

Sir:

September 9, 1905, the Acting Commissioner transmitted the record in the matter of the application of Rachel Whitaker for the enrollment of herself and her two minor children, Thomas and Ethel Howe, as Cherokee freedmen.

Reporting January 6, 1906, the Indian Office recommended that your decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated September 8, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-Copy-

Land.  
29294-1906.

May 22, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:-

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes dated April 11, 1906, transmitting a motion on behalf of the applicants for a rehearing and the reply of the Cherokee Nation thereto in the Cherokee Freedman enrollment case of Rachel Whitaker, et al.

The record was forwarded to the Department January 6, 1906 (Land 61594-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

-Copy-

Y.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

D.C.

D.C. 30837.  
I.T.D. 8304-1906.

May 17, 1906.

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

Sir:-

My letter to you of May 9, 1906, the Department affirmed your decision adverse to the applicants in the Cherokee freedman case of Rachel Whitaker, et al. Your letter of April 11th, transmitting a motion for rehearing in this case, was not received until transmitted with Indian Office letter of the 12th instant. The Department has considered the motion, and finds it insufficient to warrant favorable action. For the reasons given by you and in view of section 3 of the act of April 26, 1906 (Public No. 129), it is denied. So advise the party filing it, and the attorney for the Cherokee Nation.

A copy of Indian Office letter submitting your report is in closed.

Respectfully,

James M. Wilson,

Assistant Secretary.

2 inclosure.



NOTE IN REPLY TO THE FOLLOWING

Cherokee Freedmen

D-166.

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

Muskogee, Indian Territory, May 22, 1906.

Rachel Whitaker,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting your application for the enrollment of yourself and children, Thomas and Ethel McGhee, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1906.

Respectfully,



Acting Commissioner.

LS

Cherokee Freedmen

D-166.

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application of Rachel Whitaker for the enrollment of herself and children, Thomas and Ethel McGhee, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1906.

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

Respectfully,

Incl. 3-60  
LS

Acting Commissioner.

Cherokee Freedmen

D-166.

Muskogee, Indian Territory, May 22, 1906.

C. E. Castle,

Attorney for Rachel Whitaker, et al.,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the application of Rachel Whitaker for the enrollment of herself and children, Thomas and Ethel McOhee, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1906.

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

Respectfully,

Incl. 8-59  
LS

Acting Commissioner.

Cherokee Freedmen  
B 168

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee Freedmen enrollment case of Rachel Whitaker, et al., was denied by the Secretary of the Interior May 17, 1906.

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

Respectfully,

IMB

Commissioner

Encl. B 86

Cherokee Freedmen  
D-168

Muskogee, Indian Territory. May 28, 1906

Rachel Whitaker,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a rehearing in the Cherokee Freedmen enrollment case of yourself and your children, Thomas and Ethel McGhee, was denied by the Secretary of the Interior in May 17, 1906.

Respectfully,

IMB

Commissioner

Muskogee, Indian Territory, June 4, 1906

C. E. Castle,

Wagoner, Indian Territory.

Dear Sir:

This office is in receipt of your letter of May 24, asking what disposition has been made of a motion filed by you in the Cherokee Freedmen enrollment case of Rachel Whitaker, et al.

In reply you are advised the records of this office show that a motion to reopen said case was filed with the Department April 11, 1906, and denied by the Department on May 17, 1906. On May 28 you were informed of said action, and a copy of Departmental letter denying said motion was enclosed to you. On the same date Rachel Whitaker was also informed of the Department's action.

Respectfully,

Commissioner

LMB

*Forwarded to  
J. Walker  
to persons  
in charge mail car*



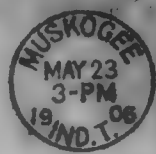
Department of the Interior  
Commissioner to the Five Civilized Tribes  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
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Tech*

3757

Mrs. Rachel Whiteaker,  
Chouteau, Indian Territory.

Department of the Interior.  
Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



*25-1166*

Rachel Walker,  
Wagoner,  
Indian Territory



Cher. Fr. R-842

Cher. Fr. R-842

Trans. from Cher Fr. D 168



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 18th, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, three children and six grandchildren as Cherokee Freedman, and for the enrollment of his wife, Mary J. Vann, as a Cherokee Freedman by intermarriage; said Vann being sworn and examined by Commissioner C. R. Breckinridge:

Appearances:

Mr. John P. Faulde, Attorney for Applicant;  
Mr. W. W. Hastings, Cherokee Representative.

- Q Give me your full name? A George W. Vann.  
Q How old are you? A Be 77 on the 27th day of December next.  
Q What is your postoffice? A Serge.  
Q In what district do you live? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.  
Q Do you want to enroll anybody besides yourself? A I want me and about ten children.  
Q Have you a wife? A I have.  
Q Do you want to have her enrolled? A If it is law that she can be enrolled.  
Q You want to apply for her and see? A Yes, sir.  
Q And you have ten children? A Yes, sir.  
Q Are these children all under 21 years of age? A No, sir. There is one of them that is of age, one of them is about 50.  
Q He will have to apply for himself; the others are under 21 are they? A No, there is two ain't, by one woman, and the others are under 21.  
Q You have got three children that are over age? A Yes, sir.  
Q That brings you down to seven that you can apply for yourself?  
A That is all.  
Q Now, that seven are all unmarried? A No, sir, some of them are married.  
Q Those married will have to apply for themselves; so how many unmarried children have you that you can apply for? A Four.  
Q You have got six grandchildren? A Yes, sir.  
Q Are they living with you? A Yes, sir; they are going to school over in the Choctaw Nation.  
Q They are all under 21 and unmarried? A Yes, sir.  
Q You can apply then for yourself, your wife, four minor children, the married children, and six orphan children? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I come here in, about; well I come here before that, before I ever moved here, I come here in '35, '36 and '37; I come here in '38.  
Q Were you a slave at that time? A I was.  
Q Did you live in the Cherokee Nation from the time you came here in 1838 until the Civil War broke out, the War between the North and South? A Yes, sir; that was my home.  
Q Were you a slave all the time? A Yes, sir; until the proclamation of Abraham Lincoln set me free.  
Q You were a slave until you were set free by the war? A Yes, sir.  
Q Where were you during the war? A Sometimes in the Choctaw Nation, sometimes in the Creek, sometimes in Port Smith, sometimes down on the River running on the steamboat down the Mississippi; I was everywhere I could make money.  
Q You ranged over a wide scope of country? A Yes, sir.  
Q You were some in Arkansas? A Yes, sir.  
Q Some in Texas? A No, sir, I never lived in Texas.  
Q You worked on a steamboat for a while? A Yes, sir.  
Q How far down the river did you go? I to the Mississippi River; I was down here, back to the Mississippi River, run backwards and forwards to the River.  
Q How long did you stay on the river there? A Well three or four

months; the boat we was on was called Idowees.

Q What time did you come back to the Cherokee Nation after the war closed? A I never went off, I never went away to stay any at a time.

Q In what year were you boating out there on the Arkansas between Fort Smith and Little Rock? A I boated some there in '75.

Q We are talking about the time during the war? A I was not boating there, the war was principally over; during the war I was running from Fort Smith up here carrying provisions to the soldiers, the regulars.

Q Now, the point I want to get at is where you were during the war?

A I was sometimes in the Cherokee Nation, sometimes in the Choctaw Nation, sometimes down home, sometimes on the bridge there, sometimes fishing on the river; wherever I could make money.

Q When the war closed you settled down did you? A Yes, sir.

Q When did you marry? A I married here before the war, many years.

Q What business do you follow now? A I follow preaching and doctoring and farming, I have got two farms.

Q How long was it after the war closed was it until you settled down to farming? A Well, I went finally to farming in about '75.

Q Where did you farm then? A I farmed right on the river this side of Fort Smith, the place I bought from Mrs. Sheppard.

Q What did you do for a living before 1875, say ten years before 1875? A Somewhere that I go since I was emancipated. Sometimes fishing, up and down the river, sometimes one thing and sometimes another, sometimes doctoring and sometimes preaching.

Q Sort of an unsettled life that ten years? A Yes, sir.

Q You led a roving, unsettled life until about ten years before 1875, when you settled down to farming? A Yes, sir.

Q Were you married during that ten years? A No, sir, when, well, when my wife died, I married my last wife, a Creek colored woman just after the war.

Q And how long did you and this woman live together? A We are living together.

Q You were married during that ten years before 1875; I ask you if you were married during that ten years before 1875? A I said not all the time for my wife died and part of the time I got another woman.

Q Was your wife who died your first wife? A No, sir.

Q When did your wife die that you are talking about now?

A She lived about, I think she died about some 11 or 12 years before the war.

Q When did you marry after her death? A I married a Cherokee woman belonging to Jim Vann.

Q You spoke of having married a Creek woman? A That is my last wife; I am living with her now.

Q When did you marry her? A I don't know.

Q When did you marry that Cherokee woman you are talking about?

A I married her before the war.

Q Did you live with her until she died? A Yes, sir.

Q When did she die? A Two years after the war.

Q And then you married a Creek woman? A Yes, sir.

Q How long after the death of the Cherokee woman was it until you married the Creek woman? A About two years, as near as I can guess at it.

Q You were married for two years immediately after the war, because your Cherokee wife was still living? A No, sir, my first wife I married was a Choctaw.

Q How many times have you been married? A Three times, lawfully married.

Q Who was your first lawful wife? A Marriam Fullon, belonging to old Henry Fullon, Choctaw.

Q When did you marry her? A I can't know, sir, as far back I could not tell you.

- Q Away before the war? A Yes, sir.
- Q About when did she die? A She died away before the war.
- Q She died some years before the war? A Yes, sir; I have got a son that about 30 years old by her.
- Q Then after her death you married a second time? A Yes, sir.
- Q Give me the name of your next wife? A Nancy Vann, Jim Vann's colored woman, Cherokee.
- Q Do you remember about when it was you married her? A Didn't live with her.
- Q But you married her before the war? A Yes, sir; I married her; the Choctaw wife died and then I married her.
- Q Did you live with Nancy Vann until she died? A Yes, sir.
- Q When did she die? A She died about, well right about, the war had been going on, in the time of the war.
- Q She died during the war? A Yes, I call it that.
- Q She died after the war begun and before it closed? A She died after it went on a while.
- Q Before it quit? A Yes, sir.
- Q Well then, after the death of Nancy Vann you married a third time? A Yes, sir; married a Creek colored woman.
- Q Give me her name? A Mary Jane.
- Q Was that all of her name when you married her, just Mary Jane? A That was her given name.
- Q I want her full name, Mary Jane what? A Mary Jane Roach.
- Q Now you married her after the war closed? A Yes, sir.
- Q How long after the war closed? A I don't know exactly.
- Q Well, as near as you can get at it? A I must have married her sometime in, I don't know, must have been in '60 somewhere.
- Q You married her before you settled down to farming in 1875? A Yes, sir.
- Q Did you marry her as much as five years before that time? A I don't hardly think it was, I won't be certain, because I don't know.
- Q She is your wife now is she? A Yes, sir.
- Q Now can you tell me just in a plain way where you lived and what you did, between the time your wife Nancy Vann died and the time you married Mary Jane Roach? A I could not, sir.
- Q Could not tell about that? A No, sir, I could not, for I was everywhere around.
- Q You don't know where you went and what you were doing? A Sometimes I was fishing, sometimes I was preaching and sometimes doctoring and sometimes cooking on a boat.
- Q Do you know in what country you were staying? A I do.
- Q Well, in what country were you? A Sometimes in the Cherokee Nation, sometimes going to Fort Smith, sometimes at Greenwood, sometimes Tahlequah and sometimes Fort Gibson, in the Creek Nation.
- Q And sometimes on a steam boat? A Yes, sir; I run here from three or four months on what is called the old Fort Gibson boat.
- Q Did you run on a boat between Little Rock and the Mississippi River? A Yes, sir.
- Q Did you ever boat down on the Mississippi river? A No, sir, go down to the mouth and come back.
- Q Mouth of the Arkansas? A Yes, sir.
- Q Well, now since 1875, ~~right in front of the old Fort Gibson~~ where have you been living? A Living down here near Fort Smith, right in front out there, a little piece back from the river, about a mile.
- Q You have not been doing any work preaching and doctoring outside of the Cherokee Nation since 1875? A I have.
- Q Tell me something about that? A Well, sometimes in Fort Smith and sometimes in Van Buren and sometimes at Greenwood.
- Q You were following your profession around to those places? A Yes, sir.
- Q You were preaching about during this time? A Yes, sir.
- Q Have you a regular charge of a church? A I have.

Q How what churches have you had charge of? A I have one now; I had charge of a church at New Hope, I had charge of a church.

Q Where is that church? A Down on the Missouri and Pacific Railroad, about five miles from the river.

Q In the Cherokee Nation? A Yes, sir.

Q You have had other churches, have you? A Yes, sir, had charge of a church there at Niven's place, had charge of a church at Webbers Falls, had charge of a church at Fort Gibson and Tahlequah, at Yellow Springs in the Choctaw Nation, and had one at Oculiville.

Q Did you have charge of any churches over in Arkansas? A No, sir.

Q Just here in the Territory? A I could not have them over there, my license are on Book B. at Muskogee, I am an Elder.

Q Whom did you belong to in the old times? A First to old Joe Vann and fall to his son Jim, Old Joe Vann was blown up on a steam boat on the upper Mississippi river.

Q Whom did you belong to at the time the war broke out? A Jim Vann.

Q He is dead is he? A He went off in time of the war to fight and I never seed him any more; I heard he was dead.

Q Are any of his people living? A If they are, I don't know anything about it.

Q No children you knew? A Jimmy died at the Seminary teaching school, no Lavore married his youngest girl, she is dead.

Q Now what people know you and what you were doing and where you were living between 1865 and 1870, who all can you name that knew you? A I worked for Sallie Franklin, worked right there on the line for McKibben and next a little before Christmas in 1876, made a crop for Payne.

Q Whom did you work for in 1865? A I worked for Mrs. Franklin.

Q That is the Mrs. Franklin whose name you have given before?

A Yes, sir.

Q Anybody else? A I worked for McKibben.

Q What is his full name? A I don't know his full name, that is it McKibben.

Q Where was he when you worked for him in 1865? A The line runs right along between the Arkansas and the Polson.

Q Were you working for him on the Arkansas side of the line or the Cherokee side? A Sometimes I worked for him on the Cherokee side and sometimes on the Arkansas side.

Q Did you work for McKibben there pretty much all through '65?

A No, sir, I worked two or three months; I worked for A. C. Jones.

Q Where did he live? A In the Cherokee Nation, and then I worked for his brother, Mat Jones.

Q Are there any other of these people living? A I don't know.

Q Who did you next work for, along in '66? A Well, I worked then through that, I worked before the war.

Q I never asked you about before the war; I asked you about '66, that was after the war, you said something about before the war?

A I worked for Dr. Bell in '66 and along after that I worked up on the hill, it is close to the road, that is where I doing a good deal of my work about '66; I worked, I was working for the government, I was cutting hay some for several weeks for the soldiers about nine miles from Fort Smith, cooking for the wagonmaster.

Q There at Fort Smith? A Yes, sir.

Q Tell me something more? A I could not tell you to save my life.

Q Do you mean you lived around so much? A It would be hard for you to locate me, for I can't locate myself, I just run around every where I could get anything to do.

Q Can't you say anything definite about yourself during the war?

A I can't tell every place, I may worked one place two or three months and go off somewhere else.

Q Where did you work in 1867, was it the same way? A Yes, in '67 I worked for a man named Bill Campbell.

Q Where did he live? A Down by Fort Smith, about a mile on this

side of the river.

Q Practicing medicine some all the time were you? A When I was not at work, sometimes I was preaching.

Q Is that all you can say about '67, how long did you work for Campbell? A I worked down there sometimes two or three weeks and then go out.

Q Where would you go? A I went every which way; you know I could not state it.

Q Give me the name of your present wife; you say its Mary Jane Vann now? A Mary Jane Roach is her maiden name, Mary Jane Vann now.

Q How old is this wife, Mary? A I don't know.

Q Well, about how old is she? A To tell you the truth I don't know her age.

Q She is a good deal younger than you, isn't she? A Yes.

Q Is she as much as 50 years of age? A No, sir.

Q You married her young? A Yes, sir.

Q You think she is under 50? A Yes, I think she is about 45 as near as I can guess.

Q Where was she born? A Creek Nation, what's she tells me.

Q Has she lived with you ever since her marriage? A Yes, sir.

Q Her people then are Creeks? A That's what they claim to be, sir.

Q Give me the name of her father? A Bob Marshall, that's what she claims.

Q Is he dead? A Yes, I think he is.

Q Give me the name of your wife's mother? A I don't know. I have heard her call her Sarah.

Q Do you know whether she is alive or dead? A Dead; she was an orphan when I married her.

Q Well then, Roach was not her maiden name; her maiden name was Marshall? A They called her Roach, I don't know.

Q Well now give me the names of these four children of your own that are under 21 years of age? A One is named John.

Q How old is John? A Johnnie is about 16.

Q Now give me the name of the next child? A One is named Jimmie-James? A Yes, sir.

Q How old is James? A I can't just exactly give his name? (14).

Q Now, give me the name of the next child? A The next child is named Harrison.

Q How old is Harrison? A He is in his 19th year.

Q He is older than John? A Yes, sir; Harrison is the first one by this woman.

Q Now give me the next one? A The next one I call her, it is a girl named Janie, named after her mother.

Q Named Jane? A Yes, sir.

Q How old is Jane? A Janie.

Q You want it put down that way? A Yes, sir.

Q How old is she? A She was eleven years old last August.

Q Now are these children all living? A Yes, sir.

Q You have been enrolled have you by the Cherokee Nation at different times? A Never was enrolled except here once and I was enrolled in about '70, but it could not be found it was looked up.

Q Are these four children all by your wife Mary Jane? A No, sir; Mary one of them.

Q Who is the mother of John? A Johnnie, the mother of Johnnie was a Cherokee woman, Cherokee colored woman, the one I told you was named Nancy.

Q Nancy was the mother of John? A Yes, sir.

Q Who is the mother of James? A You mean the first old woman?

Q You have got a son named James? A Yes, sir.

Q I want to know who the mother of that child was? A Narcissa Johnson.

Q You said she died before the war and now you tell me that child is 14 years old.

Q You say now that you have only three children that are under you

A That is all.

Q I find it very hard to get you to keep your children separated from your grand-children; how many children have you got altogether?

A I have got about twenty.

Q How many have you got that are under 21 years of age; three I believe you said the last time? A I was talking about my last wife.

Q Have you got any children by your wife, Mary Jane, who are under 21 years of age? A No, sir, nary one.

Q Now, you haven't got any by your other wives that are under age; they have been dead too long? A You called me back and said my grand-children.

Q How many children have you by that wife Mary Jane? A Aint got but three.

Q Now, give me the names of these three children? A The oldest one is named Harrison.

Q How old is Harrison? A I told you a while ago about 19.

Q Now, what is the next one to Harrison? A Johnnie.

Q How old is John? A About 14.

Q The next one? A Jantie.

Q How old is she? A Eleven years old.

Q You have only three children by this woman, Mary Jane Roach, have you? A No, sir, I have had five, but they are the only living children.

Q The other children, and by this I mean your own children and not your grandchildren, they are all over 21 years old? A Yes, sir.

Q Now the mother of these children is Mary Jane? A Yes, sir.

Q And she was a Creek? A Yes, sir, that is what she comes from, that is what they say.

Q Have you applied to have your wife, Mary Jane, enrolled as a Creek? A Never did, I went over there about three weeks ago and went up to the office.

Q Never mind about that, just say you never applied? A I did apply, they told me any time I would come and bring witnesses.

Q You expect to have her enrolled as a Creek do you? A I do.

Q Then you don't want to apply to have her enrolled now as a Cherokee? A I didn't think I could.

Q Now, do you want these children enrolled as Cherokees? A Yes, sir.

Q You didn't make application to have her enrolled as a Creek when you went to Muskogee? A I went into the commission and asked and they said to fetch her any time.

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

Q Now, give me the names of these six grand-children? A One is named, the youngest one Jim.

Q Can't you begin with the oldest one and give them to me in that order? A Yes, sir.

Q Give me them in that order? A Cornelia.

Q How old is Cornelia? A Cornelia's about twenty. Her mother is living right there joining me.

Q She is not one of the orphans you spake of? A No, sir; well one of these is named Jim.

Q Can't you begin at the other end and give them to me straight?

A One of them is John.

Q How old is John? A He must be near 15 or 16.

Q Now which one is next to John? A There is one named Richard.

Q How old is Richard? A He is next to him, I don't think there is more than a year or two.

Q Now, the next one to Richard? A Tommy.

Q Tommy, how old is Tommy, about two years younger than Richard? A He might be and he might not.

Q Well, we will put him down as 18 for the present; which is the name of the next one after Tommy? A The other is named after his uncle, Harrison.

Q How old is Harrison, a little younger than Tommy? A Yes, sir.

Q We will put him down as being about ten if you cannot give me something better than that, who is the next one to Harrison?

A Did I give you Jim?  
Q No, sir; y u have a grandchild named James, have you? A Yes sir.  
Q How old is James? A He is about eleven.  
Q He is older than Harrison? A No, sir.  
Q The way you are giving it I would say James is about eight or nine? A I don't know.

Q What is the next one, that would be the last one? A Peter.  
Q He is the youngest of the six? A Yes, sir.  
Q About how old is Peter? A I think Peter is about six years old.  
Q These children are all living now are they? A Yes, sir.  
Q Were these children all born in the Cherokee Nation? A I don't think they were.

Q Give me the name of the mother of these children? A Lucy.  
Q Your daughter Lucy? A Yes, sir, Lucy Vann.  
Q These children all have the name of Vann? A None of them children, I don't know who was the daddy.

Q You know what names you give them; you call them all Vann, do you? A They was not lawfully married.

Q They take the mother's name? A Yes, sir.  
Q Your daughter lived and died as Lucy Vann did she, was that right; she was not lawfully married? A No, sir.

Q Did she ever marry at all? A Yes, she married a colored man named BRAG.

Q When did this daughter Lucy die? A She has been dead about four or five years, maybe more.

Q Something like five years as near as you can get at it? A I cannot say because I don't know; she was dead a good while before I knowed, about six months.

Q Where did she die? A Down below V n Buren, went down there with a man, I never knowed of the being married.

Q Where was Lucy Vann born? A Born in the Cherokee Nation.  
Q Where in the Cherokee Nation? A Webbers Falls.

Q About how old was she when she died? A I don't know her age.  
Q How old would she be if she were living now? A I don't know her age, when the war come up we was all scattered and she was young.

Q Was she living when the war come up? A Yes, sir, she was very small.

Q Well she would be a little over 40 years of age now? A I don't know.

Q Where did she live when the war ended? A Well, she was so er-times about Fort Smith, sometimes she was at Webbers Falls and sometimes down here where I, come down there about where I lived.

Q Just about at different places? A Yes, sir; been to where I lived with my last wife and sometimes over in Fort Smith cooking.

Q Where was John born? A Cherokee Nation.

Q Where was James born? A They was all born in the Cherokee Nation but one.

Q Which one was that? A I think that was the youngest one, I think it was born in the States, I believe in facts two of them was born in the States.

Q Which ones? A I don't know; it was about thirty miles from me, but it seems to me like two of them was born in the States.

Q Where was this daughter, Lucy, between the time of 1865 and 1875, when you began farming? A Sometimes she was at Alma and sometimes she went off to Memphis cooking for Mrs. Brock, cooked for her, I can't tell you where she was.

The 1860 Authenticated Roll of citizens of the Cherokee Nation examined and the names of applicant's not found thereon.

Q Your wife is not on that 1860 roll? A No, sir; but I am on the Clifton roll.

The 1870 Census Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Did you draw Cherokee strip money? A Yes, sir.

Korn-clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 120, 1870, Volume 7,

Vann, Sequoyah District.

Q Did you didn't draw for y ur wife did you? A No, sir; she dint on any roll; there dint none of my wives on the Cherokee Roll.

Q Did you draw Cherokee Strip money for these three your children, John, Harrison and Janie? A No, sir; Jane she was too young on the Wallace roll and their names was knocked out on the Kerns roll.

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

Q Did you draw strip money for these grandchildren? A They dint any of them on the Kern-Clifton roll, they were left off.

Examination continued by John S. Foulds, Attorney for Applicant:

Q I didn't understand what you said your age was, Mr. Vann?

A About 87, as near as I can guess.

Q You say your age now is 77 or 87? A I didn't say 77, I say about 87.

Q You say you were owned at the time the war by Jim Vann? A Yes, sir.

Q Was he a Cherokee Indian? A He was hisself.

Q And lived in the Cherokee country? A He did.

Q Did you reside in the Cherokee Nation and the war broke out in 1817? A I did.

Cross-examination by W. M. Hastings, Cherokee Representative:

Q Where did you live in the Cherokee Nation at the opening of the war? A I lived with old Ben Johnson near Fort Smith.

Q That is at the beginning of the war? A Right there.

Q You lived with Ben Johnson there? A Yes, sir.

Q Where did Jim Vann living? A Jim Vann stayed here about Fort Gibson and Tahlequah; I was hired to Ben Johnson for \$300 by Jim Vann and put there to work about six years before the war.

Q Well then, you left Jim Vann somewhere about 1855? A Jim Vann come down there and tried to get me and Ben Johnson and he had a great fuss and Ben Johnson would not let me go.

Q You left Jim Vann's home about six years before the war?

A I was put there to work.

Q I will ask you what Jim Vann's wife's name was? A His last wife was named Mint.

Q That was her father's name? A I don't know.

Q You don't know what her maiden name was? A I don't know exactly because Jim Vann had two or three wives to tell you the truth about it.

Q You don't know then, who Mrs. Vann's father was? (No response)

Q You belonged to Jim Vann's father before that? A Old Joe Vann, yes, sir.

Q Joe Vann was blown up on a steamboat? A Yes, sir, on the Mississippi between St. Louis and coming down, the upper Mississippi, between that and the Mississippi river.

Q You was not along with him? A No, but I was keeping race horses for him.

Q About when was that? A Before the war, I don't know how long.

Q Do you know what that steamboat was named? A I do.

Q What was its name? A Lucy Walker.

Q What kind of a house did Jim Vann live in here at Fort Gibson when you belonged to him? A To tell you the truth I can't recollect, it was not any log house but I don't recollect what kind it was.

Q You don't remember what kind of a house? A I recollect the last time I had anything to do with him, him and Nash down here went north-hole to fight and that is the last time until he come to try to get me to wait on him.

Q I want to know some sort: something about Jim Vann's home?

A Where he lived so long at Webbers Falls, but up here I was not.

Q How was you were hired out about six years before the war to Ben Johnson, where did Jim Vann first live when you left him?

A I think he was living at Park Hill when he hired me out.

Q Was his wife then alive? A I don't know, after they separated, I don't know nothing about them; they parted three or four times and went back together.



Q Were they living together when you left up there, Park Hill? A I don't know.

Q What sort of a house did they occupy at Park Hill? A I don't know, I don't recollect.

Q You don't remember that? A I don't know, half of the time he would be drunk and get money from me and go where he pleased.

Q And you would get the money and go back and pay him? A If I found him in Gibbon.

Q You would get the money and pay him? A Sometimes I would send it to him by mail.

Q You could write at that time? A Yes, sir.

Q But you don't know anything about the looks of the premises about your old home; did they have a spring? A Yes.

Q Had a spring did they? A Yes, sir, sorter under the gill.

Q But you don't know what sort of a house they were living in?

A No, sir.

Q Don't know what kind of a barn? A No, sir.

Q How many children did Jim Vann have? A I don't know, sir.

Q Did he have any children at all at the time you left him?

A If he did he didn't have them with him.

Q Didn't have them then? A No, sir.

Q Did Jim Vann have some brothers? A He did.

Q What were their names? A One was named Johnnie, he taught school at the Seminary over at Tahlequash, he died there, that is what I understood.

Q You never saw him there? A Yes.

Q And you know that the same one was his brother you saw before the war? A Yes, sir.

Q He was not a full brother of Jim Vann? A I don't know because my old Master had two wives and I don't know.

Q At least a half brother? A That's my understanding.

Q Did he have a sister? A Yes, sir.

Q What was her name? A Sallie.

Q Who did she marry? A Sallie married Israel Layore.

Q And you knew him? A Yes, sir.

Q Did he have any other sister? A I don't know, that is the youngest one.

Q I will ask you, Mr. Vann, if you didn't apply to the Dawes Commission in '86 for citizenship, five years ago? A Why no.

Q Filed your case on September 6th, 1896, and was not J. P. Millen your Attorney? A Yes, sir.

Q He was? A Yes, sir.

Q And you filed that case? A Not myself I didn't because I got my money on the Wallace roll and on the Kern-Clifton roll.

Q You did not apply to the Dawes Commission? A Oh, but it was for some of the children because I got my money on both rolls, Wallace roll and the Kern-Clifton roll.

Q You already had your money at the time the application was filed for your children? A Yes, sir; I think so, I got my money at Hayden.

Q This application was made for these children that were living here? A I had got my money sure.

Q Do you remember that that Hayden payment took place in February of 1897? A I don't remember, I got my money.

Q But you didn't get any money before September 7th, 1896? A I got some of my money.

Q Did you get any money before September 7th, 1896, the Freedman roll was not made up? A I got it on the Wallace roll.

Q You deny then that you applied to the Dawes Commission there and J. P. Millen as your Attorney in 1896? A I deny for me myself.

Q Did you apply for citizenship in the Cherokee Nation? A I think that when I was debarred at sometime like, right here, I know I did, went before Mr. Needles I believe it was and Mr. McKennon and Mr. Tama Bixby, and I had not been admitted, and the Cherokees would not do it, I had gotten money on the Wallace Roll and on the Kern-Clifton.

Q You think you applied? A I think I did.

Q I will ask you if you were ever in the State of Louisiana? A Yes.

many of a time when old Joe Vann was running his boat.

Q Were you ever known by the name of George W. McKamy? A Yes, sir; that's my father, George W. McKamy, a full blooded African negro, that's him; my father he come with my mother here, Charlotte Brown, half Cherokee and half colored my mother.

By Commissioner Breckinridge:

Q Your mother's mother was she Cherokee? A She was a negro belonging to old Ben Brown, so I was told.

By W. W. Hastings:

Q Now, you denied five years ago before the Kern-Clifton Commission that you ever went by the name of George W. McKamy? A No, sir, because my license is that here on Book B in Muskogee, that is my father's name.

Q When were your preaching license put on that book? A They were on that book when the law come in this country.

Q Well about how long ago? A About '75.

Q Then you admit five years ago that your name was George W. McKamy?

A Yes sir, that is what it has been all the time my father was a freed man.

Q Were you ever in Chattanooga, Tennessee? A Yes, sir, in my life I have been.

Q Have you been there since the war? A Yes, dozen of times, I run up and down there and dozens of times, I have up to my uncle's in Knoxville, Tennessee.

Q How long did you ever live in Chattanooga? A Never lived in it at all.

Q And you have been there a dozen times? A Yes sir.

Q When were you there the last time? A I don't know, sir.

Q What were you doing running up and down there? A I have some uncles living on Missionary Ridge, and I have got some lives across from that on the Ridge that lives in Nashville.

Q How did you keep up with there whereabouts? A I just keep up with them like you do with your kin folks.

Q You have resided in Argenta, across from Little Rock? A I went to the Brooks and Baxter war, Powell Clayton come up and got about fifty negroes and went to new Argenta, George Hughes, after we come, after all of us was made vacate by the President on both sides.

Q How long did you remain down there? A About six months and was constable of Argenta on that side.

Q I asked you the question before the Kern-Clifton Commission if you went down there and you denied it? A No, sir.

Q You were there? A Yes, sir, I went away from here and went there.

Q I asked you also if you were not constable over there at Argenta and in 1886 before the Kern-Clifton Commission you denied that?

A I did not.

Q You were, were you? A Yes, sir.

Q Where was your wife at that time? A At the little old house below the Ferry land some, part of the time she come down there where her mother was right there at Argenta.

Q Was her mother there at Argenta? A She was some of the time. This wife that I have got was part of the time there in the Creek Nation and part of the time she was not.

Q Now Uncle George, when were you married the first time?

A I don't know.

Q About how long before the war? A Oh, long time.

Q About how many years before the war? A I don't know.

Q Give me some sort of estimate? A I wont give you something I don't know.

Q About how old were you when you married the first time? A I can't tell you.

Q Did you have any children by the first wife? A I did.

Q What was that child's name? A That was the oldest one, named Jim Vann.

Q That was your oldest child by your first wife? A No, I had one died that is the second boy.

Q About how old would Jim Vann be if he were living? A I don't know, sir.

Q Then you haven't the slightest idea when it was you first married? A I don't.

Q How long did you live with your first wife? A I don't know, a long time.

Q About how many years? A I don't know.

Q Where was this woman, this first wife of yours, where did she stay, with you? A No, sir, she didn't, she staid with old Henry Fulson at Doaksville.

Q How far is that? A That is in the Choctaw Nation.

Q How far from Red River? A It is on this side.

Q About how far? A I don't know.

Q Is it in the southern part of the Choctaw Nation? A Yes, sir.

Q Near the line? A I don't know where the line is.

Q You were a slave of Jim Vann up here in the Cherokee Nation yet you had a wife that you had married at Doaksville? A I married her, she was hired to Glem Lavore and I went to Fort Smith to see her and married her.

Q That is where you first met her? A I married her in Fort Smith.

Q Now when did you marry the second time? A I married down here at Webbers Falls.

Q How long before the war was that? A I don't know.

Q About how long? A Oh, I don't know.

Q A long time before the war? A Good bit.

Q You can't give any estimate at all? A Can't tell you what time don't know and aint going to try.

Q I would like to get some estimate about as to when you married the last time? A I married after the war.

Q About how long after the war had closed? A I don't know, old Peter Stickham married me.

Q As much as thirty years ago? A I don't know, I married her after the war, I don't know whether thirty years is after the war or not.

Q About how many years after the war? A I aint got no recollection and can't tell you.

Q Now, Uncle George you applied for citizenship down in the Choctaw Nation, didn't you? A I did not; my children did; they said I was a Cherokee.

Q You admit now you applied for your children? A I went there and they went there and they told me to take counsel that you are a Cherokee and you can't do it.

Q You denied that five years 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 20th day of April, 1901.

Signed, T. R. Needles,  
Commissioner.

April 18, 1901.

George W. Vann, et al., hearing continued:

Questions by Mr. Hastings:

Q Uncle George, you applied to Colonel Wisdom and Mr. Keyes when they were sitting here as the Old Settlers Commission, didn't you, to be enrolled? A I said my mother came in as an old settler and she was, she came here as an old settler.

Q Your mother did? A Yes, sir, she was brought here; my mother was part Indian and I thought if it was half negro and half Indian I could get it and I applied and wouldn't do it.

Q You admit now that you applied to them? A I do admit.

Q Didn't deny five years ago that you ever applied to be enrolled as an old settler? A No sir, you said I had applied to Mr. Tams Rixby and I said then I hadn't because they hadn't put me in, but not as an old settler on that.

Q Don't you admit now that you applied to be enrolled as an old settler, a Cherokee? A I don't know whether it was, I seen Mr. Hayes, I don't know whether the right was in it or not, me and Harper Houston, because I was half negro and half Indian and they said that I could and they said no and that stopped me.

Q Did you come here with your mother: you testified you came here in 1836? A Yes, sir, I came with my mother in 1836, and she came to settle and she came here once, old Ross, and the old chief John, and one of the bushheads, and me and my mother - all come here, and come here in a two horse vehicle before any of the Indians located in this part, and came here and looked, old Chief Ross they did, he came here, and after he came here he went to Washington, and came back and went to Washington and his wife died and he married another woman, his wife which one he had when he come to the nation, and he married some woman at Washington city, and then came back here and went back to Washington and died, he married out of the nation; that was the chief he came with at the beginning.

Q You came with them? A Yes, sir, I come before the Indians came: they came to look at the land.

Q You came with Chief Ross? A Yes, sir.

Q It was before the Indians came out here? A Yes, sir, there was none but some men: they came to look at this country.

Q Where did John Ross' wife die? A Which one?

Q That one you were talking about? A Died somewhere about Tahlequah somewhere, and he went to Washington and married again there and he came here and went back to Washington and he died.

Q How long after you came out before he died? A He was here a good while before he ever died.

Q Five or six years? A Yes he was: you may laugh but you will find out, you know he, and his remains, when I first seed him I was here and they took him there and fetched him in from Washington City, by Van Buren.

Q Did they take him to Van Buren on that Frisco train? A No, sir, I don't know how they got him there: I was there and saw him put on the boat: I am talking about what I know, you know now, ask some of these gentlemen whether he had a wife that die here and went to Washington and married again.

Q Who else come along with you when you came out here? A I come with my master, with Joe Vann.

Q Joe Vann? A Old Joe Vann, with all the women and little children.

Q That children? A Negro children.

Q What about his children? A Joe Vann's children never came, a whole brigade came in here and set us here, and we came around on the steamboat, and little children, little negro children, come and got off in Port Smith at the nation side, and I was writing on him, and a brigade come here the other way and landed: you may whisper but it is facts; you can't deny it either, the records show it.

Mr. Falkner: You said you were born in Tennessee? A Yes, sir, I was born in Ross County right under Missionary Ridge.

Q You came here to remain here in 1836, sometime about then?

A I was here twice, I came with my mother first in 1835, then there was three removals, 1835, 36 and 37: just exactly this way.

Q You remained here when? A In 1836.

Brace G. Jones, being duly sworn, says that as stenographer so 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, Brace G. Jones

Sworn to and subscribed before me this the 19th of April, 1901.  
Signed, T. B. Needles,  
Commissioner.

April 19th, 1901.

George W. Vann et al., hearing continued:

WARREN GILPATRICK, called as a witness for a plaintiff, being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

- Q Give your full name there? A Warren Gilpatrick.  
Q How old are you? A 50 years old.  
Q What is your postoffice? A Sallisaw.  
Q In what district do you live? A Sequoyah.  
Q How long have you lived in the Cherokee Nation? A Lived here all my life, off and on.  
Q Were you born in the Cherokee Nation? A I was born in the old Nation, come from the old country.  
Q In what State? A Tennessee and South Carolina.  
Q Where did you come to the Cherokee Nation? A When I was a boy.  
Q Sometime before the war? A Yes, sir.  
Q You were a slave before the war? A Yes sir, I reckon so. My people say.  
Q You remember very well back at that time you were 14 or 15 years old? A My mother always said we belonged to a man by the name of Bill Padgett.  
Q Do you remember far enough back to know to whom you belonged?  
A No, sir.  
Q Your mother said you belonged to Bill Padgett? A Yes, sir.  
Q And you suppose that you belonged to the same man? A Yes, sir.  
Q Where were you during the war? A I was in the Cherokee here part of the time.  
Q Tell me now just where you were, you were old enough to remember?  
A I was here, right here in Fort Smith, right here in the bottom, are at Fort Smith during the whole of the war.  
Q Tell me where you were during the whole of the war? A I was in the war part of the time.  
Q Do you mean in the army? A Yes, sir.  
Q That was at the last of the war? A Yes, sir.  
Q What were you doing in the army? A Just running around waiting on people.  
Q Where were you when the war closed? A I was here.  
Q Do you mean in Fort Gibson? A No, sir.  
Q Well, tell me where you were? A Down here in the bottom at the old Johnson place.  
Q You were not in the army then? A No, sir.  
Q That is where you were at the time the war closed? A Yes, sir.  
Q Who owned that place, that Johnson place? A Ben Johnson is all I know.  
Q The old Ben Johnson place? A Yes, sir.  
Q Well, now give me some account of yourself from the close of the war down to this time; how long did you stay there on the old Ben Johnson place? A I stayed there off and on; I stayed there all the time.  
Q Are you there now? A No, sir.  
Q In what year did you go to the old Ben Johnson place? A I come there in '66.  
Q Where did you go from? A I come from the army then.  
Q Well, where? A Richmond, Virginia.  
Q You were in the Army at Richmond, Virginia? A Yes, sir.  
Q And you came to the old Ben Johnson place from Virginia in '66?  
A Yes, sir, right here to the Territory.

Q What were you doing in the army in Virginia? A Just running around following it up, had nothing else to do, just following the soldiers up.

Q How did you go to Virginia? A I come back with the crowd.

Q How did you go there, I said? A I went with the soldiers.

Q With what soldiers? A The Federals.

Q Where did you take up with them? A I taken up with them at Memphis.

Q How did you go to Memphis? A I went with the people passing.

Q Where did you first take up with the troops? A Up here in Arkansas, on White River.

Q What were you doing up there? A Just floundering about as a boy would, I had no one but myself.

Q When was that you took up with the troops there in Arkansas?

A I could not say.

Q You are supposed to know something about yourself, you are supposed to know something or you would not be here; was that your first taking up with the troops? A Yes, sir.

Q And you followed them to Memphis? A Yes, sir.

Q And from Memphis to Virginia? A Yes, sir.

Q And from Virginia you come back here in '66? A Yes, sir.

Q Where had you lived here before you went off with the troops?

A Down at the old Ben Johnson place.

Q You lived there when you first came? A Yes, sir, that is where my people left me there.

Q Then you first came to the Cherokee Nation where did you locate?

A Right there on the river this side of Fort Smith.

Q Your mother belonged to Bill Padgett? A Yes, his daughter I reckon she belonged to him.

Q Did you live with your mother before the war broke out on the old Ben Johnson place? A No, sir, my mother died.

Q Well, where did you live before the war broke out, when you came to the Cherokee Nation? A I lived down there on the bottom on the old Ben Johnson place.

Q That is where you lived and where you were? A Yes, sir.

Q Do you remember your mother? A No, sir, not good; I remember her name.

Q That is about all you remember? A Yes, sir.

Q Well, who owned you and controlled you and directed your movements about the time you were about ten or twelve years of age; there was some authority in the country in that day, who had charge of you? A I forget the man's name now; he is dead, and I forget his name; his name was Sam though.

Q White man? A No, sir, colored man.

Q Well what white man owned you and directed your movements before you went to the army? A None at all.

Q You say you were a slave? A I said by my mother, I recollect I was a slave.

Q But you have no recollection of being under the control of a white man? A No, sir.

Q And you were living on the old Ben Johnson place? A Yes, sir.

Q Is that the first you can remember of yourself when you were living on the old Ben Johnson place? A Yes, sir, before the war.

Q And you remember that place very well, do you? A Yes, sir.

Q How old were you when you first went there? A I could not tell you, I am just going by how what the old people said my age was.

Q I am talking about now what you remember; you remember the Ben Johnson place there before the war? A Yes, sir.

Q They made cotton and corn there? A I've never made any cotton, made corn.

Q Do you remember living there some years before you went off to the army with the people? A Yes, sir, lived there two or three years.

Q That is the first you have any recollection of in the territory?

A Yes, sir.

Q Is the old Ben Johnson place? A Yes, sir; where they were camped, lots of them was camped there.

Q What you went off to the army what were did you do, waiting on

people, like her sis and such as that? A Yes, sir, cooking for the soldiers.

Q That was pretty soon after the war broke out was it? A Yes, sir, about the second year.

Q Give me the name of your father? A Benton Gilpatrick.

Q Is he dead? A Yes, sir.

Q Do you remember him? A Yes, sir, remember seen him.

Q He died when you were very little? A Yes, sir, small boy.

Q Have you any brothers? A No, sir.

Q Any sisters? A No, sir.

Q Have you any kin folks? A No, sir, no one but myself.

Q How did you happen to come back here then, in 1866, from Virginia? A That is where I lived, where I left my people.

Q Who were your people if you have no sisters, brothers or aunts?

A I left my mother.

Q Your mother was dead? A Not at that time.

Q You said she was? A Did I say she was dead at that time.

Q You said she died in your early recollection? A The people I was acquainted with lived there; that is the only place I come, there is where I went from and there is where I come.

Q That is what brought you here in '66? A Yes, sir.

Q What fixes it on your mind about it being in '66 you came back from Virginia? A That is the year.

Q You were in Richmond? A Yes, sir.

Q Do you remember when General Lee surrendered? A Yes, sir.

Q They had a big jollification there in Richmond? A Yes, sir, I was right there.

Q Then the fighting was all over? A Yes, sir.

Q Did you then come right on? A I returned here.

Q How long did it take you to come here? A Took us about, the way we traveled it taken us about two weeks, three weeks.

Q To come from Richmond here? A Yes, sir.

Q You left immediately after the jollification of General Lee's surrender? A Yes, sir, right on here.

Q He surrendered in the early spring? A Yes, sir.

Q And you got here before summer? A Yes, sir, I got here in the latter part of the summer.

Q You said you got here in about three weeks after he surrendered along early in April, you must have gotten here according to that before summer? A It may have been.

Q It took you about three weeks? A Yes, sir.

Q What way did you come? A Horseback.

Q Rode straight through in three weeks? A I said in about three weeks, I could not exactly remember.

Q All the way here horseback? A Yes, sir.

Q Who all were with you? A Oh, well, I could not tell; there was twenty or thirty all in a gang coming together.

Q You spoke of being in the army? A Yes, sir.

Q You were in Richmond when General Lee fell? A I was with the Union army part of the time and I was with the Yankee army.

Q The Union Army had charge of Richmond when General Lee surrendered? A Yes, sir.

Q And you were with the Union army when General Lee surrendered?

A Yes, sir.

Q And who were these people you came back with after the war closed?

A I could not tell you so many different people.

Q Mostly colored people? A No, sir, white people and colored.

Q Well, now what way did you come when you came back you remember some of the circumstances of the trip from Richmond here? A I don't know whether I do or not, it has been so long.

Q Did you go through any cities you remember? A I come through Memphis, Tennessee, I remember that.

Q That is about all you can remember is it? A Yes, sir, I know when we got to Memphis, there was not any cities through the country

but Memphis much.

Q Well, now what do you know about George W. Vann? A I know that I staid with him.

Q Where? A Down here on the river in the bottom.

Q On what place? A Ben Johnson place.

Q When was it you stayed with him? A '66 when I come back.

Q Did you find him there when you came back in 1866? A Yes, sir.

Q How long did you stay with him? A I stayed with him about eight or nine months, about twelve months.

Q And then what did you do? A In 1866 I taken a trip to hunt up some of my people.

Q What kin were they to you? A Some uncles I heard of.

Q You told me just now you didn't have any uncles? A I told you I didn't have none here.

Q Where did you have any? A In the old country, I got on track of them, I heard of them and I went out to hunt them.

Q How many uncles did you have as far as you know and give me their names? A I had three.

Q Give me their names? A One was named Isaac Danover.

Q Did he ever live in the Cherokee Nation? A Not as I know of.

Q Where did he live? A I don't know where he lived.

Q When you got on the track of him where did he live? A In the old country.

Q In what state was that? A South Carolina.

Q And you went back to South Carolina? A Yes, sir, went back there to hunt up my people.

Examination continued by John F. Paulds, Attorney for Applicants:

Q Do you remember of seeing George Vann before the war broke out in 1861? A Yes, sir, I seen him there on the river.

Q In the Cherokee Nation? A Yes, sir.

Q You were here when the war began? A Yes, sir.

Q Do you know whether he was here at that time? A He was here there on the river.

Q What the war began? A Yes, sir.

Q And you stated that you were away sometime during the war, did you see him at all during the war, that you remember? A No, sir, I didn't see him from the war up to '66.

Q Where have you lived since 1866? A I have lived, I lived part of the time here in the Creek and part of the time in Fort Smith there, worked principally on public work.

Q You have lived pretty much of the time in the Cherokee Nation?

A Yes, sir, made this my home.

Q Have you since 1866: has George Vann been away from the Cherokee Nation for any length of time? A Not as I know of, I stayed right there around there and knowed him, he has not been anywhere as I know of

Q You have seen him off and on? A Yes, sir.

By Commissioner Breckinridge:

Q You say after you came back to the Territory in '66, that you went to the Ben Johnson place? A Yes, sir.

Q You stayed there a little while and then went to South Carolina to look up some kin folks? A Yes, sir.

Q How long did you stay back there in South Carolina? A About three months, three or four months.

Q You finished that visit and then did you come back to the Cherokee Nation? A Yes, sir.

Q Where did you settle then? A Right here by Fort Smith, in the bottom right there by old man Vann.

Q What was old man Vann's given name? A George, all I know.

Q Did you settle on George Vann's place? A Yes, sir, I stayed there with him.

Q Is that where you dropped? A No, sir, I never dropped there.

Q What did you do? A I worked around by day.

Q Did you see George Vann at that time? A Yes, sir.

Q Is that this man's place you are talking about? A Yes, sir.



- Q How long did you live with him and around about him there?  
A I lived around about him there three or four years, I mostly stayed with him; I would go around and work and come back there and stay with him.
- Q Have you known him ever since that time? A Yes, sir, ever since that time.
- Q Have you been settled in the Cherokee Nation ever since your return from South Carolina? A Yes, sir.
- Q And have known George Vann, this applicant, all the time?  
A All the time.
- Q Has he been settled in the Cherokee Nation all the time?  
A Every time I seed him he was here.
- Q Have you been seeing him all the time? A Yes, sir.
- Q Have you been living there with him and about him after you came back from South Carolina; how long did you live with him or close to him? A Oh, I lived close to him for three or four years.
- Q And then how far did you live from him? A Lived about five miles.
- Q And how long did you live that far from him? A I could not tell exactly.
- Q Well, five or six years, six or seven years? A Five or six years.
- Q You were living there all the time and he lived at the other place all the time and he was staying all the time continuously at home, was he, at the other place? A All the time I saw him.
- Q Did you see him frequently? A He was a preacher and I have heard him preach in the settlement.
- 
- Q He was abiding there ~~at~~ you heard him preach around in the neighborhood around there and he was settled there in that way with no interruption, but what you would call neighborhood preaching? A No, sir.
- By Mr. John F. Paulds:
- Q Did you know who owned George Vann at the time of the war?  
A I always heard him say Jim Vann was his boss, I have heard him talking about Jim Vann.
- By W. F. Hastings, Attorney for Cherokee Nation:
- Q When did you hear him say that Jim Vann owned him? A I heard him say it all along.
- Q Before the war? A Yes, sir.
- Q Why is it you remember who owned him when you don't know who owned yourself? A I don't know that I had any owned. If I did I don't know anybody.
- Q You were too young to know that? A At least nobody ever told me that I had any, at least my father, my father was a Choctaw.
- Q I believe you state that when you came back in 1866 you came back to George Vann's place, did you? A No, sir.
- Q Well, to where George Vann lived? A Where he stayed.
- Q And remained there with him then how long? A Two years or more.
- Q Then you went in search of some of your people in South Carolina?  
A Yes, sir.
- Q Now, if I get your statement correct you remained in South Carolina in search of your people about a year? A No, sir.
- Q How long? A I staid there three or four months.
- Q Then you came back from South Carolina to the Cherokee Nation and to this same place you had left there? A Yes, sir.
- Q And then found the applicant, George W. Vann, there, when you returned that time? A Yes, sir.
- Q With whom was George Vann living when you knew him first in 1868? A I could not tell that, he was working there and said his boss was Jim Vann.
- Q That is after the war when was he living with when you knew him in '68? A I suppose he was living with his people, his boss, Jim Vann.
- Q That was after you came back from Richmond? A Yes, sir.
- Q Who else was there at that time? A There was lots of them people there.
- Q Jim Vann's family there? A Well, now, I never did take any account of them for I never had any business with the Indians and the

white people and that kind.

Q But you remember distinctly of seeing George Vann there? A I remember seeing who they called his boss and they called him Jim Vann.

Q What kind of a looking man was he? A Just like any other man, being so long I can't tell what kind of a man he was, I know he was an Indian.

Q You don't know whether he was dark or light complexion? A He was about the color of all other Indians.

Q Do you know whether he was tall or small? A I don't know.

Q You remember of seeing him there in '66 in the country? A I remember them calling him Jim Vann.

Q This man, George W., was living with Jim Vann, was he at that time? A I suppose that was his place.

Q That was on the river this side of Fort Smith? A Yes, sir.

Q Did George Vann at that time have a family? A Yes, sir.

Q Of what did his family consist; did he have a wife? A I reckon no, he lived with a woman.

Q What was her name? A I could not tell her name now.

Q You lived with them a year and was only gone three months then returned to the same neighborhood? A She has been dead so long I can't think of her name now.

Q But he had a wife at that time living with him? A Yes, sir.

Q You don't remember her first name? A No, sir, I could not tell.

Q How long after that was it before she died? A I could not tell you that.

Q Some little time after '66? A Yes, it was after '66, but I could not tell the exact time.

Q Did he have any children there with him in '66? A No, sir, none at that time, I don't know.

Q Didn't have any children? A Yes, he had a daughter I think by the name of Mary Ann.

Q About what size was she? A Oh, she was small.

Q What kind of a house was there on the Johnson place there George Vann stayed in '66? A Log house.

Q One room? A I forget how it was built; I remember it was an old log house, where he lived it was one room.

Q I mean here the white family stayed? A It was a large double log.

Q How far was that from the bridge that crosses the river to go over in Arkansas? A I could not tell you, though it aint very far from where the bridge crosses the river now.

Q Did you know any of the Vann family before the war? A No, sir, none but the old man, Jim Vann.

Q You don't know who his wife was? A No, sir.

Q You didn't know any of the family, children? A No, sir.

Q Now, you applied to the Kern-Clifton Commission, five years ago?

A Yes, sir.

Q Was not Uncle George Vann at that time a witness for you? A Yes, sir.

Q Were you present when he testified in your case? A I reckon I was.

Q He testified that he never saw you up until the year '80, didn't he? A No, sir, he could not do that.

Q Didn't he do that? A Not of my memory.

Q Do you remember? A I remember that he didn't testify that.

Q That he never saw you up until 1870? A No, sir, he could not say that.

Q Didn't you testify at that time that your people lived in Georgia?

A No, sir; no, sir.

Q Didn't you testify that you came here in '66 and stayed until 1869 and then went to Georgia? A No, sir.

Q Didn't you testify before the commission in 1896 that you had only returned here about three years prior to that time from your trip to Georgia? A Don't remember that.

Q Isn't that a fact? A Don't remember that part of it; I never went to no Georgia, I don't remember telling you anything about no

Georgia.

Q What about your coming back to this country about three years before that Kerns-Clifton Commission sit; how long had you been here then, in the Cherokee Nation? A I had been here all the time excepting where I tell you I worked over in Fort Smith.

Q Now in '66 what sort of a house did the applicant, George Vann, live in? A I could not tell any more what kind of a house that was; it was a log house.

Q You lived with him? A Yes, sir.

Q It is the same place he is living now? A No, sir, he moved from there.

Q When you came back from South Carolina was he at the same place he is living now? A Yes, sir, that is right.

Q He is living right there now? A He is living up this side of the switch now.

Q That is where he was living when you came back from South Carolina?

A I ain't certain, I most forget.

Q You lived with him, didn't you? A Let me study.

By Commissioner Breckinridge:

Q Is he living now on the old Ben Johnson place? A No, sir.

Q Where is he living now? A He is living up at the place they call Nora, this side of the Cherokee strip.

Q How far is that from Fort Smith? A About seven miles I reckon.

By W. W. Hastings:

Q Now, how long has he been living there at the place he is living now? A I could not say.

Q There was he living when you came back from South Carolina?

A There has been so much change about I have about forgot.

Q You lived with him? A I didn't live with him all the time.

Q A short time though? A I just could not tell and can't.

Q You knew where to find him? A I would find him there in the settlement.

Q He lived there in the settlement there ever since '66? A Yes, sir, that is where I always found him.

Q You know that? A Yes, sir.

Q Never been out? A I suppose he has been out like every other person.

HORACE S. NORMAN, called as a witness for Applicants and being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name there? A Horace S. Norman.

Q How old are you? A I don't know exactly, I guess I mustbe about 45 I guess.

Q What is your postoffice? A Fort Gibson now.

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

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Were you a slave in the old times? A Yes, sir.

Q To whom did you belong? A Judge Brown.

Q Give me his full name? A I don't know anything but Judge Brown, Jim Brown; that is what they called him, Judge Brown.

Q Was his given name Jim? A I don't know that; that is what my mother always called him.

Q Where did he live? A He lived up on big Lee's Creek part of the time.

Q Where did he live when you belonged to him? A My mother was hired out.

Q Well in the old times did he live on Lee's Creek? A Yes, sir.

Q Is there where you lived during your childhood? A No, sir; I lived with mother, stayed with her, he hired her about to cook wherever he could get money for her.

Q Where were you during the war between the North and the South?

A I was with her here in the Cherokee Nation.

Q Were you with her in the Cherokee Nation during the whole of the time of the war? A Yes, sir.

Q From the beginning to the close of the war? A Why, she cooked in Fort Smith a little while, I suppose it must have been two or three months.

Q Otherwise you were with her in the Cherokee Nation? A All the time.

Q When was it she cooked in Fort Smith, do you know? A I could not tell what year it was.

Q Is your mother dead? A Oh, she is dead, yes, sir.

Q How long has she been dead? A She has been dead about ten or twelve years.

Q Give me your mother's name? A My mother was named Lucy Brown, called her Sarah sometimes, Lucy was her given name.

Q Where did your mother live at the time of her death? A She lived down in Sequoyah district.

Q What part of Sequoyah? A Up above Fort Smith, about six or seven miles.

Q Near what is called the Cherokee Switch? A No, sir, up above the river from Fort Smith up towards Wilson rock.

Q How long had she lived there at the time she died? A I could not tell you exactly how long, we moved from the Johnson farm up there, I guess it must have been four or five years.

Q You moved from the Johnson farm up there, four or five years before she died? A I come to Redland and stayed there a while.

Q By the Johnson farm, did you mean the Ben Johnson farm? A Yes, sir.

Q That is what they call the old Ben Johnson farm? A Yes, sir.

Q How far is that from Fort Smith? A In sight of Fort Smith.

Q How long did your mother stay on the Johnson farm? A We didn't stay there very long, I could not tell you exactly.

Q Didn't live there very long? A Two or three years, somewhere along there.

Q What was before you came up to? A Redland, yes, sir.

Q Well then before that where did your mother live? A Stayed down here at Webbers Falls, when the peace was declared we moved from there to the Johnson farm.

Q You lived on the Johnson farm more than once? A No, sir; did you understand me to say that when peace was made we lived on the Johnson farm?

Q No, sir. A You asked me where I was born and I said in the Cherokee Nation.

Q How far up the river is Redland from Fort Smith? A I don't know, it must be 15 or 18 miles.

Q How long did you live at Redland? A I don't know, how long, we lived there above Redland.

Q You lived just above Redland? A Yes, sir.

Q And you went from there to the Johnson Farm? A Yes, sir.

Q When was it you went to Redland? A I could not tell you just exactly what year it was.

Q A few years before your mother's death? A More than that, a good deal more than that.

Q Was it ten years before your mother died? A It was not hardly that long.

Q How long did you live in the Johnson farm when you and your mother went up to Redland? A I don't know, I could not tell you exactly how long, I never took any track of the time.

Q Did you live as much as four or five years on the Johnson Farm before you went to Redland? A No, sir, not that long.

Q You went from the Johnson farm to Redland? A Yes, sir.

Q Where did you live before you lived on the Johnson farm? A We stayed up here when peace was declared she went from here to the Johnson farm from Webbers Falls.

Q Did you ever live on the Johnson farm more than once? A No, sir.

Q How long did you live on the Johnson farm? A I told you I could not tell you.

Q Did you live on it as much as five years? A I, don't know, I don't think we stayed there hardly that long.

Q Do you know George W. Vann? A Yes, sir.

Q When did you first remember meeting him? A Oh, my goodness, I could not tell you that, I have been knowing him ever since I was a little boy, I first seen him when we stayed down here at Webbers Falls.

Q And when was that? A I was a small boy then, I could not tell what time it was.

Q Was that during the war? A It must have been before the war, I was a small boy.

Q That is about as far back as you can recollect, when you saw him there? A Yes, sir.

Q That is where you saw him the first time? A Yes, sir.

Q Did he live there in that neighborhood? A He must of, I guess he did.

Q And have you known him along ever since that time? A Yes, sir.

Q Been seeing him frequently ever since that time? A Yes, sir.

Q Where was he living when you went down to the Johnson farm? A When I went to the Johnson farm he was living there then.

Q What had you been when you were at Webbers Falls, what kind of work? A I done just like children do, I done nothing, I was too small

Q You were not old enough to work? A No, sir.

Q How old were you when you went to the Johnson farm? A About ten or eleven years old I guess.

Q Do you know when George W. Vann left the webbers Falls neighborhood and went down to the Johnson farm? A I don't recollect when he went there.

Q He was living down there when you went there? A Yes, sir, I see him a lot of times with soldiers.

Q During the war? A That is what they call them, soldiers, the only thing I noticed about them they were dressed different from anybody else and they had guns.

Q Did they have on blue uniforms? A Yes, sir, blue clothes.

Q That was while the war was going on? A Yes, sir, while the war was going on.

Examination continued by John F. Paulds, Attorney for Applicants:

Q You have always lived in the Cherokee Nation? A Yes, sir, I was out sometimes during the war; this has always been my home.

Q You would go away for a month or so at the time? A Yes, sir, I never moved away from the Cherokee Nation.

Q Do you know who owned George W. Vann at the time of the war? A Jim Vann, so I have always been told.

Q Was he a Cherokee Indian? A Yes, sir.

Q You state that you saw George W. Vann frequently ever since 1866; do you mean you have seen him in the Cherokee Nation? A Yes, sir.

Cross-examination by Mr. W. W. Hastings:

Q You applied for enrollment yourself before the Kerns-Clifton Commission in 1896? A Yes, sir.

Q They didn't enroll you; were you enrolled or not? A I don't know

Q Did you draw any strip money? A Didn't draw any money.

Q You stated then that you lived in Pine Bluff, Arkansas? A No, sir, I never was at Pine Bluff.

Q You didn't state then that there was where you lived? A No, sir, I did not, you were the very man that questioned me yourself.

Q Your name is Horace S. Norman? A Yes, sir.

Q You have six or eight children? A No, sir.

Q Do you know Charles Norman? A Yes, sir.

Q What kin is he to you? A That is my boy.

Q Leander? A Yes, sir.

Q Cora? A Yes, sir.

Q Gattie? A Yes, sir.

Q Will? A No, sir.

Q That is the same family? A Yes, sir, but I never give you that testimony.

Q You didn't swear then that you lived in Pine Bluff? A Yes, sir, I

I didn't swear that; you tried to make me say so.

Q You knew the applicant, George Vann, during the war? A Yes, sir.

Q You saw him as a soldier? A I didn't say I saw him as a soldier. I said I saw him around the soldiers; I said I saw him around the soldiers frequently.

Q Was not he one of the soldiers? A I saw him frequently with the soldiers.

Q You remember him in particular? A Yes, sir, I do.

Q What circumstance makes you remember him and point him out to you as a boy? A My mother and him was cousins, so she always said and he said too.

Q You knew him in that way while you lived at Webbers Falls during the war, you and your mother? A We lived there in right at Webbers Falls, hired about.

Q With whom did she live there? A I don't know, who she lived with.

Q Don't know who she was working for, do you know any one she was working for? A I don't know.

Q Not a single person? A I don't know, I know she stayed there.

Q With whom was she living, you and she living immediately after the war and at the time you left the neighborhood and come down to the Ben Johnson place near Fort Smith? A Didn't live with anybody, staying in our own house there.

Q You don't know whom she was working for at the time you started from there down? A No, sir, I don't know who she was working for.

Q Now, your father died before the war? A I don't know whether he did or not.

Q You never knew him after the war? A My father went off sometime, I don't know whether he died or not.

Q You never knew him after the war? A My father went off sometime I don't know whether he died or not.

Q You never saw him after the war? A Not after the war.

Q With whom did you live on the Johnson place when you went down there? A We stayed there in the house there, didn't stay with anybody at all, just got the house and stayed in a little log house.

Q Just you and your mother? A Well, she had other children, Hudson

Q Was he older or younger than you? A He was older.

Q How much? A Two or three years.

Q Than you? A Yes, sir.

Q Whose place did you farm down there? A We didn't farm.

Q What did you do then during the first year? A Just worked about anywhere could get work to do.

Q For whom did you and your mother, or any of you, work? A Just anywhere we could get to work.

Q Name some persons you worked for here in 1866? A I don't know.

Q Name some white person, or Cherokee, who was living there at the time? A There was not many white people in there.

Q Name some one? A I don't know.

Q Jim Vann was there was not her? A Yes, sir.

Q That was his former owner? A I saw a person can't study up all these things.

Q You know he was there? A Certainly I do.

Q That was in 1866? A Yes, sir.

Q After peace? A Yes, sir.

Q His wife was there? A Yes, sir.

Q What was her name? A Her name was Nancy.

Q Jim Vann's wife? A Jim Vann's wife, I don't know what Jim Vann's wife was.

Q You don't know what her name was? A No, sir, I don't know what her name was.

Q What was George Vann's wife's name then, in '66? A I told you her name was Nancy.

Q Did he have any children at that time? A I think so.

Q Do you remember them? A Yes, sir.

Q What were their names? A He had two names, John, Mary Jane and

I don't know as I.

Q Is that his present wife? A Oh no, his present wife now is named Mollie.

Q How long did that wife live, that wife that you knew in '66?

A I could not tell you exactly how long she lived.

Q You can remember no Cherokees down there other than his former owner, Jim Vann, when you knew George Vann down there after peace, that is all you can remember is it? A There was not anything down there.

Q You can remember that one in particular? A I say there were Indians down there of course.

Q You remember about his former owner in particular? A Jim Vann.

Q Yes? A I remember his name, of course.

Q You remember seeing him down there when you went down? A No, sir, I didn't say I seen him.

Q You didn't say that? A No, sir, I didn't say that.

Q Well, now, what other Cherokee did you see in the neighborhood?

A I never taken any particular notice of the Cherokees.

Q Is there any one that you can name? A I don't know particular, I will have to study about it, I never noticed anybody.

Q Now you lived there a short time and you went over from Redland, did you? A There was Harnage there.

Q It was not William Harnage was it? A I don't know, it might have been, I don't know his given name, I always heard him called Harnage, I have seen him there.

Q Then you went down to Redland from there? A Yes, sir.

Q And you have lived at Redland ever since? A No, sir.

Q How long did you live down at Redland? A Oh, I don't know, stayed there two or three years.

Q Then where did you go? A Moved from there down to the Wilson farm.

Q Are you living there now? A No, sir, I lived up here now.

Q Did you ever own a place down there? A Not there.

Q Did you ever make a place in Sequoyah district? A Yes, sir.

Q Where? A Not far from Vann's place.

Q When? A I don't know what year it was in.

Q You don't know who your mother worked for down there in 1866 or '67, the first years after the war? A She was hired about.

Q But you don't know any of the people? A No, sir.

Examination continued by John F. Faulds:

Q You said that Jim Vann was living at Webbers Falls in 1866; did you mean what you said here a few moments ago, that Jim Vann was living down there? A You didn't understand me to say that Jim Vann was living there.

Q If you said Jim Vann you meant George Vann? A Yes, sir, that is where I first knew him.

By Commissioner Breckinridge:

Q What year was that? A I told you it was time of the war was going on.

Q Not after the war was closed? A I seen him down at Fort Smith down there at the Johnson farm, I seen him before that up here at Webbers Falls.

Q How long after the war was it before you went down to the Johnson farm? A Not long.

Q Well, a year or two years? A No, sir, my mother went down there in the government wagons, just like they have got here, and I reckon it must have been a soldier driving it, and we all boys they carried us along in the wagons.

By Mr. John F. Faulds:

Q Did I understand you to say that you saw George Vann off and on here during the war? A Yes, sir.

Q At the time the war was going on? A Yes, sir.

DEW M. WISDOM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Dew M. Wisdom.

Q What is your age? A 65.

Q What is your postoffice? A Muskogee.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first know him? A In 1882.

Q Do you know anything about his status as a Cherokee Freedman?

A No, sir; I came to Fort Smith in 1882 from Tennessee and stayed there and bought an interest in what is called at that time the Muskogee and Fort Smith Stage Line and I leased a stable on the Choctaw Reserve down there near Fort Smith and I met with old Uncle George there and hired him as a hostler to take care of our horses, that was in 1882.

By John F. Paulds:

Q He was living in the Cherokee Nation in 1880? A That is my understanding.

By Commissioner Breckinridge:

Q He worked for you in 1882 as a hostler? A Yes, sir, he worked about three months; Mr. Kinney who is living at Fort Smith we were partners, we owned the stage line, and I hired him to take care of our horses in Fort Smith, the stable was on the Choctaw Reserve; there is a little corner of the Choctaw Nation on that angle in there in Fort Smith.

Q Did George Vann live on the Arkansas side of the line or Indian Territory side of the line? A Indian Territory.

RACHEL BAKER, called as a witness for Applicant being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Rachel Baker.

Q How old are you? A Well I can tell exactly.

Q About how old, as near as you can come to it? A I am about 65 I reckon.

Q What is your postoffice? A Bengo.

Q In what district do you live? A In Bengo, from here I live in Sequoyah district.

Q How long have you lived in the Cherokee Nation? A About lived here all my life only just in and out.

Q Were you born in the Cherokee Nation? A No, sir.

Q Where were you born? A I was born back in the old country, they brought me here.

Q Carolina? A No, sir, East Tennessee.

Q When did you come to the Cherokee Nation? A I can't tell you anything about that, I come when this was all a country; I can't tell anything at all about it.

Q Were you a slave in the old times? A Yes, sir; I guess I was.

Q Whom did you belong to in the old days? A I belonged to, I can't think of his name.

Q Forgotten all about him? A No, I ain't scared, you know I was quite small and could not recollect anything and I never was taught up anything. A man come with me but I can't think of his name.

Q You can't remember to whom you belonged before the war? A No, sir.

Q Where did you live before the war broke out between the North and the South? A I was up here at the salt works.

Q Where were the salt-works? A Up here on the, I can't think of the creek, I was up there.

Q What were you doing? A I was just washing, going about helping them cooking.

Q Who were you helping? A I was helping a man; there was a man there by the name of Drew, I worked about with him.

Q How long did you live there? A I stayed there nearly all the time until the war come up.

Q You had been there a good many years? A Yes, sir, when the



war come up we all went out.

Q Was your father up there with you? A No, sir, I don't know my mother.

Q Was your father with you? A I don't know my father.

Q You don't know who claimed you as your master? A No, sir, and I didn't want to know only this man Drew.

Q Then the war came up what did you do? A We went out.

Q Where did you go? A Out in the state and back around.

Q In what state? A Into Arkansas.

Q Whom did you there with? A I went out with the wagons.

Q Who was in charge of them? A I don't know who was in charge.

Q Were there mostly colored people? A Some of them colored and some of them white people.

Q Do you claim to be a Cherokee Freedman? A Yes, sir, that is what I always thought.

Q Well, when the war closed what did you do then? A When the war closed I stayed out there; they said "well the war is ended," and I come back.

Q Where were you then? A Up on some creek.

Q In Arkansas? A Yes, sir, and then we come back here to the Territory.

Q Who come back with you? A My husband.

Q How long have you had the name of Baker? A All my life.

Q You have always gone by that name? A Yes, sir.

Q What was your husband's name? A His name was Baker too.

Q Did you go by the name of Baker when you were a girl, before you were married? A Yes, sir, always went by the name of Baker, they always called me Rachel Baker.

Q You don't know whether it was in Arkansas you stayed during the war? A No, sir, just camped out and doing the best we could I reckon; I could just study up I might name over some places.

Q Well, what were you doing over there? A Doing the best we could, trying to work and first one thing and then the other.

Q Did you marry over there? A No, sir.

Q Where did you marry? A I married up here at the works

Q Married before you went to Arkansas? A Yes, sir.

Q How long had you been married when you went over to Arkansas?

A I went so, I had not been married long, my child was not born.

Q Your child was born after you went over to Arkansas? A Yes, sir.

Q How long did you stay in Arkansas? A Stayed there until after the surrender; they said it was four years after the surrender; me and my husband gathered up and worried back some way.

Q How did you happen to go to Arkansas; did the Union soldiers begin to come down? A Yes, sir and they got scared.

Q And you went away to Arkansas when the Confederates fell back and the Union soldier came in? A Yes, sir.

Q How long do you consider you stayed in Arkansas, about four years? A Yes, sir; stayed until the war was ended; stayed over there about a year I reckon and then come back.

Q Where did you go when you came back? A Down there in Fort Smith and I come back up into the Territory; I don't know nothing and I worked for first one and then another.

Q You first landed at Fort Smith? A Yes, sir.

Q How long were you unsettled here before you could get down to regular farming? A Well didn't do much but work around, I don't know much, no I don't know how long.

Q Where did you first locate here in the Cherokee Nation when you first come back? A Here, the Cherokee Nation.

Q Well, whereabouts? A In the pawpaw bottom.

Q Did you and your husband take up some land? A Didn't take up nothing.

Q Just worked? A Yes, sir.

Q How long did you stay there in the Pawpaw bottom? A Good while.

Q Well, year, or something like that? A Yes, sir; and then he got sick.

Q And then where did you go? A I never traveled.  
Where did he go? A He went to Hot Springs for his health.

Q Hot Springs, Arkansas? A Yes, sir.  
Did you go with him? A No, sir.

Q What did you do? A I just worked around.  
You didn't go out yourself? A I didn't go out then, but he

Q And I went to stay with him and he died.  
How long did he stay when he went off to travel for his health?

Q One or three years.  
You all the time stayed in the Pardon Bottom? A Yes, and some-

Q How long did he live after he got back? A He never got back,  
he died at Hot Springs.

Q Did you go to him? A Yes, sir, I went to him as soon as I could.

Q Tell them after his death, where did you live? A I stayed down  
there about two months, what little I had was here and I come back

Q Where was that? A Down here in Sequoyah district.

Q You never did apply to the Cherokee Nation for enrollment at  
that? A No, sir.

Q You are on no roll at all of the Cherokee Nation? A No, sir.  
And you never at any time applied? A No, sir.

Q You were living here five years ago? A Yes, sir.  
And you have lived here in the Cherokee Nation ever since 1866?

Q Yes, sir, been in and out since.

Q You never did at no time apply for enrollment? A No, sir.  
You don't know what you had to do before the war? A No, sir;

Q Can't tell you.  
Did you know any Cherokees that got away by one the war? A Yes,  
but they are dead ones.

Q How many? A Holdens and the old set of them and the old man  
Hengwood and the old man Starr and the old man Drake.

Q In what district were these salt works? A I don't know. They  
said it was here in the Nation, I could not tell you.

Q Was it these salt works near Coffeyville, Kansas? A I guess it  
was up here on the Creeks.

Q On Webbers Creek? A Yes, sir.  
It is on Webbers Creek then? A Yes, sir.

Q That was about three miles from Coffeyville, Kansas, was not it?  
I mean, that is what they say.

Q You know they used to go there and trade didn't they? A Yes, sir.  
Do you remember going to the town? A Yes, sir.

Q You don't remember any Cherokees at all? A No, sir.  
Many people work at the salt works? A Yes, sir.

Q You remember any colored people there except Mr. Vann?  
No, sir. He was the only one that joked.

Q He is the only man you knew? A Yes, sir.  
Are these called the Striking salt works? A I don't know.

Q Do you know whether Strike was the man that owned them or not?  
A I don't know.

Q What Cherokees did you see just after the war when you came back  
here? A I worked a while with old man Shakingbird. I worked a while  
and he died, he was living down here in Sequoyah.

Q Did you come back on this Valley train when you came back here  
after the war? A I come along, what I was on the wagons along.

Q I mean after the war when the trains were running?  
Q The trains were running on that road then? A They might been  
running, but I didn't come back on them.

Q You saw the trains running along as you came along on this Valley  
road yourself when they run down through Sequoyah? A Yes, sir.

Q The railroad was there but you didn't come on it? A Yes, sir.  
Q That is what you mean to say? A Yes, sir.

By Commissioner Breckinridge  
Q How long did you live up at the Salt works? A I don't know.

- Q A number of years? A Yes, sir, I don't know how long I was there  
I was there a longtime before I was bigenough to do anything.  
Q There when you were too little to work? A I could not tell you.  
Q Then you went from there over to Arkansas during the war? A Yes, sir  
Q Was this George Vann up there all the time? A Yes, sir.  
Q He was up there all the time was he? A Yes, sir.  
Q You remember him there all the time do you? A Yes, sir.

By John P. Faulds:

- Q Do you know John Williams, a white man, that has been here in  
Port Gibson since you have been here and met you here this morning?  
A Yes, sir.  
Q You know him? A Yes, sir.  
Q Did he come to those salt works that you speak about while you  
were working at the salt works? A While I was working there I saw him  
Q These Salt works you are speaking of, you saw him there? A Yes, sir  
Q Do you know where the Arkansas river is? A Yes, sir.  
Q How far is this Webbers Falls from the Arkansas River? A Two or  
three miles, I don't know.  
Q That is the Webbers Falls you speak of where you saw George Vann,  
is not it? A Yes, sir.  
Q This salt works you speak of was right close to the Arkansas river  
where you worked, in the Cherokee Nation? A Yes, sir.  
Q In the Indian Territory? A Yes, sir.  
Q Coffeyville, Kansas, you know where that is, that is away up  
north they got you rattled? A I don't know anything about Coffeyville  
they said they would go.

By Commissioner Brackinridge:

- Q You know the name of Coffeyville? A Yes, sir.  
Q And you would go in there when you wanted to do some shopping?  
A I never went in there much.  
Q You know the name? A Yes, sir.  
Q And you were often sent after things and sometimes go there?  
A Yes, sir.  
Q And you know that Coffeyville was across the state line didn't  
you? A No, sir.  
Q Didn't know about that part of it? A No, sir.  
Q Just remember the name? A Yes, sir.  
Q How far was that from the Salt works? A I don't know.  
Q But the people often went there for trading? A Yes, sir. I don't  
know anything about how far it is.  
Q Would they go in the morning and come back in the afternoon?  
A Some would go in the morning and some in the night.  
Q Seemed to be a good day's ride? A Yes, sir.

JOHN WILLIAMS, called as a witness for the Applicants, being sworn and examined by Commissioner G. B. Brackinridge, testified as follows:

- Q Give me your full name? A John Williams.  
Q How old are you? A I am 66 years old past.  
Q What is your postoffice? A Port Smith.  
Q How long have you lived in Port Smith? A Well, I have been  
living permanently there since 1860; I was there before that.  
Q When did you first come to Port Smith? A I come there in 1860,  
that is to stay any time.  
Q And where did you come from? A I come from Washington Territory  
to the Territory here and from the Territory to Port Smith.  
Q How long did you stay in Port Smith when you went there in 1860?  
A I stayed there a month or two.  
Q Where did you go to? A I was then living there and after I  
lived there I went to Missouri.  
Q In what year was it you went up to Missouri? A '62.  
Q How long did you stay up there? A I stayed there until '65.  
Q When did you again come to Port Smith? A In '65.  
Q Did you go there to live? A Well I was not settled anywhere.

stayed there, yes, sir.

Q How long did you stay there in 1865? A I stayed there a few months.

Q And then where did you go? A I went back to Missouri again.

Q How long did you stay up there? A I stayed up there until the Spring of '66.

Q Where did you go then? A Came back to Fort Smith.

Q How long did you stay at Fort Smith? A I stayed there, I have been there all the time, off and on ever since, that has been my home ever since that time, I haven't been there all the time.

Q When you went there in 1866, how long did you stay there continuously? A I was then buying cattle and traveling around in this country.

Q Making Fort Smith your headquarters? A Yes, sir.

Q Have you spent any considerable period of time away from Fort Smith? A About six or eight months.

Q Where were you away? A I was at Ozark, Crawford County, my home was at Fort Smith.

Q Were you frequently away from Fort Smith as much as three months at the time? A No, sir.

Q You were engaged in the cattle business? A Yes, sir.

Q How long did that continue? A Up until '70.

Q And you had occasion to go to different places during that time?

A Yes, sir.

Q Did you range out into the Indian Territory? A Yes, sir, after '70, I did.

Q Well, before '70? A I was backwards and forwards from Texas.

Q And to different places in Arkansas? A Yes, sir.

Q In prosecuting the stock business? A Yes, sir.

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

Q When did you first meet him? A I first met him in '60.

Q Where did you meet him in 1860? A At the salt works.

Q Where are these salt works? A Up close to Webber's Falls.

Q What was he doing there? A He was helping to make salt.

Q Who had charge of the salt? A They were known as the John Drew salt works, I don't know.

Q Did you know anything about his whereabouts during the war?

A I did up to '68, he was in the lower part of the Territory, just down to Fort Smith, backwards and forwards.

Q And then you lost sight of him? A I went away then.

Q When did you see him again? A In '65.

Q Where did you see him? A At the mouth of the Grand river.

Q And did you have occasion to see him while you were engaged in the cattle business up until 1870? A I didn't see him until in the fall of '65, I went to Texas and come back and met him again at the Falls in '65.

Q Well and then what did you see of him after that; have you any definite recollection as to when you saw him and where you saw him?

A No, sir, not until I come back from Missouri.

Q When was that? A I come back in '66.

Q What fixes him on your mind then? A He was in the hay camp then.

Q What was he doing? A Making hay.

Q That was in '66 you saw him? A Yes, sir.

Q Where was that, in the Cherokee Nation? A Yes, sir, about ten miles from Fort Smith.

Q And did you have occasion to keep run of him after that?

A Not particular; he was always talking about religion and preaching which I did see him.

Q Do you remember definitely of meeting him at any particular periods after you met him in the hay camp? A I saw him every week or two, that is I saw him frequently after that.

Q Down to how long a time? A Up to the present time.

Q You have seen him as frequently as one would a man living intimately in your community? A Yes, sir.

Q Perhaps every month? A In 1870 I engaged in the market

business and was traveling in through this country.

Q And then you would meet him frequently? A Yes, sir.

Q Previous to that how about meeting him? A Well, during the time I was gone I never met him at all. From '88 to '88.

Q I am talking about the period you saw him after '88? A I saw him frequently after that.

Q You saw him almost continuously? A I saw him on and off as I would see any other neighbor, he was always about.

Q And that continued on down to 1880? A Yes, sir.

Examination continued by John P. Paulds:

Q You say you became acquainted with Mr. Vann first in 1860?

A Yes, sir.

Q Do you remember where you met him? A At the salt works.

Q That was the salt works at Webbers Falls? A Down there somewhere.

Q In the Cherokee Nation, Indian Territory? A Yes, sir.

Q And you went away then sometime; when did you go away? A I went away in '62.

Q To Missouri: well now you say you met him at the Grand river, in what year? A Yes, sir.

Q What circumstance puts that on your memory? A He was still preaching; at was at the falls always trying to preach and talking us about religion and I was there at the crossing of the Arkansas, he was there working when we crossed.

Q And then where did you go? A Down in Texas.

Q What were you doing in Texas? A I went down there in the Patent right and buying cattle also.

Q Did you bring cattle back with you? A Yes, sir.

Q How did you come to go to Webbers Falls in '66? A When I came back, we were camped on Elk creek to rest a few days.

Q Where is Elk Creek? A In the Creek Nation, somebody stole our work team of cattle and two horses; that left us so we could not travel.

Q That was in '66? A No, sir, '65.

Q And you say at Webbers Falls that time you saw George W. Vann?

A Yes, sir.

Q He was working there? A I don't know whether he was working there or not; I saw him in the store.

Q Where did you go then? A I went back to the road.

Q When did you come back to live in Fort Smith? A In the Spring of '66, early in the Spring.

Q And did you see Van at that time? A I saw him, it must to have been about hay cutting time, they were getting hay on the prairie.

Q In the Cherokee Nation? A Yes, sir.

Q Well then when did you go to live in Fort Smith? A I had not been away from there but a few months then.

Q In '66? A Yes, sir, I was at Franklin county about six months in 1872.

Q With the exception of about six months in Franklin county you had resided continuously in Fort Smith? A Yes, sir.

Q When were you appointed a Marshal? A In 1870.

Q How long did you hold that position? A About 24 or 25 years.

Q You were a deputy marshal at Fort Smith? A Yes, sir.

Q And from 1866 to the present time you have frequently seen George W. Vann, the applicant, in the Cherokee Nation? A I always called it Parson Vann.

Q That is the applicant in this case? A That is the man right there.

Q Now, do you remember seeing Rachel Baker at the salt works in the Cherokee Nation? A That was a young lady cooking, she resembled the same one.

Q The one who that gave evidence here? A Yes, sir.

Q What was she doing there? A She was cooking.

Q In what year was that? A In 1860.

Q She was cooking at the camp at the salt works at Webbers Falls in the Cherokee Nation; it was not at Coffeyville Island? A No, sir, down close to the falls.

Q On the Arkansas River? (No response)

Q Nov, in 1860 when you saw George Vann did you know who owned him at that time? A I don't know, but I know who was said to have owned him.

Q Who was said to have owned him? A He said Jim Vann owned him.

Q A Cherokee Indian? A I don't know about that.

Q But he was said to have belonged to Jim Vann? A Yes, sir.

(Cross-examination by W. W. Hastings:

Q Did you ever see Jim Vann? A I did.

Q Before the war? A No, sir.

Q After the war? A No, sir, during the war.

Q Where did you see him? A Saw him on Bird Creek.

Q Where was that? A Creek Nation.

Q What? A It was during the Pettinola fight.

Q What year was that? A That was in '61.

Q He was there was he? A Yes, sir, when they called Jim Vann.

Q What kind of a looking man was he? A He was reasonably white man

white man? A Almost white.

Q About what age was he? A He appeared to be about 25 or 30 somewhere along there.

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

Q You only saw him the one time? A I saw him several times during the time he were camped there.

Q How far were these salt works from Webbers Falls and what direction? A They were right close to the Falls at John Drew's old place.

Q Well, about how far? A About a mile and a half or two miles back from the water like.

Q What direction from Webbers Falls? A South of there.

Q In the west side of the Arkansas river? A Yes, sir.

Q The town of Webbers Falls was then there? A There was only one or two stores there.

Q Do you remember any one else living there; who was keeping the store? A At the time I was getting salt I never come down as far as the town was, we only went to Drew's house.

Q What kind of a house did Drew have? A It was a one story house.

Q Frame or log? A It might have been weather boarded log house, it was a double log house, porch between them.

Q You don't know whether it was weather boarded or not? A It was a good house at that time.

Q Did he have a large farm? A Pretty large farm.

Q How far were these salt works from Drew's house? A About a mile and a half or two miles.

Q Do you remember any other Cherokee that was in that neighborhood at that time? A Yes, sir.

Q Name them? A There were the Drees, two or three or them

Q Anybody else besides the Drees? A No, not in the immediate neighborhood.

Q Did you meet any other Cherokees at the salt works? A There were several full blooded Cherokees at the time.

Q Do you remember any one of them? A No, sir.

Q Who was foreman of the Salt works? A I don't remember it now.

Q You bought salt from him? A Yes, sir.

Q How did you buy salt from? A I come there and got the salt and give a five bill on the store.

Q What store? A Holmes' store.

Q They were at the Creek Agency at the time of the war? A Yes, sir.

Q But you don't know when you would give these five-bills to? A No, sir.

Q You don't remember his name? A No, sir.

Q You were there a number of times? A I was there three different times.

Q Were any houses put up around these salt works? A All in camp there.

Q About how many colored people were there? A Several were there.

Q About how many? A Four, five or six.

Q Any more women except this woman you have identified? A Yes, there were several women, but she was the only one there at the time.

Q You identify her as being that woman? A I think she is the same woman, she had changed some since then.

Q Do you remember any other colored persons there that was there at the works prior to the war? A I would not know him excepting for his preaching faculties.

Q Did he have his wife there with him? A I didn't see her.

Q Did you hear him say anything about her? A No, sir.

Q What are you doing now? A I haven't been doing anything for a year or so, I have had the rheumatism; I have been keeping books at the saw mill.

Q You say you have lived in Fort Smith almost continuously since the war? A Yes, sir.

Q Now, when did you quit riding as a deputy marshal? A I quit when George Crump was Marshal.

Q How many years ago was that? A It has been about eight years.

Q Have you a family? A I have got two brothers.

Q Married? A Well I was, my wife got killed.

Q Are they living with you? A No, sir, one is in Colorado and the other is at Seneca.

Q Where do you make your home there in Fort Smith? A I am boarding there at Bridges Hotel.

Q Have you been doing anything since you were Marshal eight years ago? A Yes, sir.

Q What have you been doing? A Different occupations, I worked at the saw mill.

Q How long have you worked at the saw mill? A Four or five years off and on.

Q Where was the saw mill? A Up close to Powell, Indian Territory.

Q What else have you been doing? A Part of the time I have got been able to do anything, haven't been able to get around.

Q Do you know who he was living with in 1866; you didn't see his family, you would always see him at Fort Smith or over there in the hay camp? A No, sir.

Q Do you know who he was putting up that hay for? A I don't know.

Q Do you know who was boss of the camp? A Mike Wallace.

Q Mike is in the saloon business there? A He is in the grocery business.

Q He was boss of the camp that this man worked in? A He was boss of one camp, there were several cutting there on the Blackburn prairie.

Q Have you ever been tried for any offense? A Yes, sir.

Q What for? A I was charged at one time for stealing a hundred head of mules.

Q Have you been tried for anything else? A No, sir.

Q Have you ever been arrested any other time? A No, sir. They got the wrong man though.

Q Do you know J. Warren Reed? A Yes, sir.

Q Have you talked to him about this case? A No, sir.

Q You have not? (nods "No.")

Q You never have? A Yes, I have talked to him about a case.

Q You never talked to him about this man, George W. Vann, about this case? A Yes, I have talked to him.

Q He is down here in town and you and others have talked to him about this case, you and the other witnesses? A I have talked to him.

Q Was not you present when other witnesses talked to him about it?

A No, sir.

Q Didn't you talk to him last night? A No, sir, didn't see him at all.

Q Did you talk to him this morning? A Yes, sir.

Q About this case? A Yes, sir.

Examination by John F. Feulds:

Q You say you were charged with stealing how many mules? A One hundred sixty head.

Q What became of that charge? A Mollie pressed.

Q Why? A Because I was not the man.

Q Case of mistake? A Yes, sir.

Q You were speaking of Jim Vann being the owner of George W. Vann,

the applicant; was that the Jim Vann, the son of old Joe Vann, who was blown up on the steamboat? A I don't know about that.

Q Do you know that it was said that he was? A Yes, sir.

Q It was said that he was a son of old Joe Vann that was blown up on the steamboat on the Mississippi River? A Yes, sir.

Q You are a white man? A No, sir, Irishman.

Q Citizen of the United States? A Yes, sir.

Q You have no Freedman blood in you and no Indian blood?

A Not that I know of.

GEORGE W. VANN, the Applicant, re-called, testified as follows:

Examination by John F. Faulds:

Q Mr. Vann, I will ask you if you ever worked in any salt works in Coffeyville, Kansas, or any place in Kansas? A Never in my life.

Q Never worked in Kansas in your life? A No, sir.

By W. W. Hastings:

Q You said in your examination yesterday that you had charge of a church at Tahlequah? A I did, sir.

Q When was that? A In '87, I told you that I had charge of a church as what we called Revolt, at Sanctown, Mivens town, Fort Gibson, Four Mile Branch out here and one in Tahlequah.

Q How long did you have charge of that church? A Rode that circuit there one session, then I went out and I next went to the Choctaw Nation at Spulliville, and the next one at Sulphur Springs.

Q When did you owner, Jim Vann die? A Well, sir; I don't know, my understanding was that he died in Kansas after the Portliholah fight and died up there.

Q During the war? A Yes, sir.

Q Mrs. Brewer here was a sister of his, do you know her before the war? A Why yes, seed her here in Gibson.

Q Did you know her before the war? A Why yes; was not I under her, her, old Joe Vann's child.

Q Did Jim Vann have a woman down at the beginning of the war?

A I don't know, sir, whether he did, because six years I was hired to old Ben Johnson and never went in the family.

Q Did he have any when you left him the six years before the war?

A I don't remember, sir, because Jim Vann had my hired out and got all the money he could and got drunk.

Q You don't know anything about his family? A I knew him at Webbers Falls; Sallie Levere was Jim Vann's youngest child; he hired me out and got the money and would get drunk.

Q How long did you work at these salt works? A I guess about two months there.

Q Who was in charge of them? A I don't know, sir.

Q Who were you under? A Well, there was a man there by the name of Crutchfield that always paid me for the work.

Q They always paid you and you sent it to your owner? A Yes, sir; well, no, sir; I never sent it to him only I would carry it to old Ben Johnson; I was hired to old Ben Johnson for \$900 that was owing and I was hired out and I would get \$30 a month.

Q What I understand from you, you were hired to Ben Johnson but was owned by Jim Vann? A Yes, sir.

Q You testified five years ago that you belonged to Dr. Tackett at that time? A Never in the world.

Q And was not Dr. Tackett here to testify the same thing? A No, sir.

Q Didn't you swear that you belonged to Jim Vann up to just about the war and that Jim Vann sold you to Dr. Tackett and didn't you have Dr. Tackett, who is now dead, so come up before the Kern-Clifton Commission in 1896 to swear that that was a fact? A No, sir; that is right about, I went to Dr. Tackett; when he come to this country, old Jim Vann and his come and he got five hundred dollars in debt and when he come here old Joe Vann was about to kill him and I was his waiting boy and he had to call me back; he swore that I had five hundred



dollars interest in that nigger once" and Jim Vann had the note then when old Joe Vann came on the steamboat and found it out he was about to kill him.

Q About when was that? A I don't know. And I had to deny it and he had his tussel and I had seen him kill two or three and he said he would kill him; he said he would and he took it back and he said he would let him alone; I could go to Fort Smith and get the record where Dr. Tackett took me up; and what is in my duty because I went to Washington City in 1872 and sued for \$75,000 and sued and got it for the negroes; that is the reason they hate me and that is what they said that man passed me once when the Wallace roll went up.

By Mr. John F. Paulds:

Q That, Jimm Vann who owned you was a Cherokee Indian? A He was.

Q And he was a son of old Joe Vann that was blown up on the steamboat on the Mississippi? A On the upper Mississippi, between St. Louis and the mouth of the Mississippi.

Q You say Jim Vann hired you out to a man by the name of Ben Johnson? A Yes, sir.

Q And you were working under the instruction and subject to Ben Johnson when you were at the salt works? A Yes, sir.

Q Jim Vann owed Ben Johnson an amount of money? A Yes, sir.

Q And he hired you out to Ben Johnson to pay for that debt? A He had a mortgage on me.

Q And you were paying off that debt due to your master while you were working at the salt works? A Yes, sir.

By W. W. Hastings:

Q When was that this dispute came up between you and Dr. Tackett when Joe Vann was present that you refer to in your testimony?

A It was after I emigrated from the old Nation.

Q Well, about how long before the war? A A good while before the war.

Q About how many years? A You have got to something I don't know.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four minor children and for the enrollment of six grandchildren, who are orphans and children of a deceased daughter. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. The testimony in this case has been voluminous and the applicant will now be listed for enrollment upon a doubtful card for further consideration.

The applicant's wife is not identified upon any roll, but she will be listed with him as a Cherokee Freedman on a doubtful card.

Of the four minor children applied for, one is found to be of age, and the application is only continued for three, viz: Harrison, John and Jamie Vann. These children are respectively 19, 14 and 15 years of age and are said to be the children of the applicant's present wife. They are not identified upon either the Kern-Clifton roll or upon the census roll of 1896. They are said to be living at this time and they will be listed for enrollment upon a doubtful card as Cherokee Freedmen. It should be noted that the mother of these children is said to be a Creek woman and the Creek roll should be examined before a final decision is reached with reference to the applicant's wife, the mother of these children, not known as Mary J. Vann.

The six grandchildren named in the testimony, John, Richard, Thomas, Harrison, James and Peter Vann, are said to be living and to be the children of the applicant's deceased daughter, Lucy. The mother of these children would be about 45 years of age if living now and is said to have died some five years ago. She is not identified upon any roll of the

Cherokee. The children are old enough to be upon the Kern-Clifton roll and the census roll of 1898, but they are not identified upon either of said rolls. They will now be listed for enrollment as Cherokee Freedmen upon a doubtful card.

Reference is made to Commission case No. 257, page 44, Docket A, showing that George W. Vann, et al., applied to the Daves Commission for admission to Cherokee citizenship September 7th, 1898; that the application was denied and no appeal was taken therefrom. At present it cannot be determined whether this is the George W. Vann in question, but the case will be examined at the proper time through the original documents.

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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.

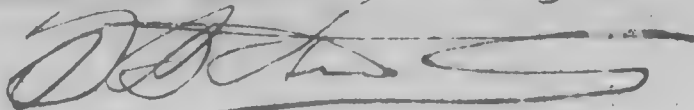
Signed, J. O. Rosson.

Subscribed and sworn to before me this 23rd day of April, 1901.

Signed, T. B. Needles,  
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly copied the foregoing, and that the same is a true copy from the original.

Sworn to and subscribed before me this January 3, 1902



Commissioner.

Supplemental Freed. D-115.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

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

Joseph W. Bowers, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A Joseph W. Bowers.

Q How old are you? A 62 years old.

Q What is your post-office? A Muldrow.

Q In what district do you live? A Sequoyah.

Examined by W.W. Hastings, Cherokee Representative-

Q Mr. Bowers, how long have you lived in Sequoyah District? A Thirty-three years, last March, 1867.

Q Where did you locate when you first came there in '67? A On the bank of the river a short time.

Q On the bank of the Arkansas river? A Yes sir.

Q How far from Fort Smith? A Just opposite, across the river.

Q Where have you lived ever since? A Right in - well, I lived four miles above there in the bottoms for five years. I lived during that spring and summer and until fall about a half mile above the river in the bottoms on the Cherokee side.

Q Well, since that time, have you lived in about that same place? A Yes, within twelve or thirteen miles of Fort Smith.

Q How have you lived on the Cherokee side ever since? A Yes sir, on the side ever since.

Q The first year after the war you lived nearer to Fort Smith than you live now? A Yes sir.

Q You live farther from Fort Smith now than you ever lived? A Yes sir.

Q What did you do the first years after the war? A '65 was the first after the war.

Q The first year after the war in the Cherokee nation? A I farmed, and then there was a posse of deputy marshals and I was a deputy marshal in '65 and '66.

Q You kept a kind of boarding house or stage stand? A That was nine miles from Fort Smith on Fort Gibson and Fort Smith wagon road.

Q You were pretty well acquainted with the people around in that country? A Yes sir.

Q Well acquainted with them yet? A Yes sir.

Q I believe you are postmaster at Muldrow? A Yes sir; at Camp Creek eleven years.

Q How far is that from Fort Smith? A Nine miles west on the Cherokee side, on the wagon road to Fort Gibson and Muskogee, and I was postmaster at Muldrow under Harrison administration and under Clinley's administration four years.

Q You know this applicant, George W. Vann? A Yes sir.

Q Now, Mr. Bowers, how long have you known him? A About the first time I met him at the river opposite Fort Smith in '77 or '78; I don't remember what year; about that time.

Q Did you ever see or hear of him before that time? A No sir; I heard of him in the time of the Compton and Laxten campaign; that wasn't his name; they called him Reverend some one who made a speech at Fort Smith; I heard of him; that was the first time I saw him.

Q You hadn't seen him around in that section of the country? A No sir.

Q Where had you heard of him being before that? A I heard he come from Little Rock up there.

Q You never heard of his being over in the nation prior to that time? A No sir, I never heard of that.

Q You never saw him over there prior to that time? A No sir, I knew every man in the country at that time, thirty years ago, '35 years ago, white men and black men and Indian.

Q You think you would be safe in saying he wasn't there? A If he had been there prior to '77 or '8, I certainly would have got acquainted with him.

Q Was the country poorly settled at that time? A To sir, there wasn't a dozen white men in that part of the country thirty years ago and very few people, and there were but few colored people there and they were Cherokee Freedmen, every one of them.

Q Were you present when Mr. Vann made his application before the Clifton Commission, five years ago? A Yes sir.

Q Do you remember whether he admitted that his name was George W. McKary under oath or not? A He said his name was George W. Vann,

Q Then he was asked the question whether he ever went by the name of George W. McKary, did he state it or deny it? A He said that wasn't his name.

Q Do you remember whether he was asked at that time whether he ever lived in Little Rock or Argenta? A No, I don't remember.

Q Do you remember whether he was asked if he was ever in Chattanooga, Tennessee? A I remember that.

Q Did he admit or deny it? A I don't know what answer he made; I know he was asked that.

Examination by T.F. Paulds, Attorney for Applicant:

Q You know whether or not George W. Vann was a Constable at Argenta, and that his name was George W. McKary? A I don't know anything about that.

Q Now, you say that you lived in Fort Smith right after the war? A Yes sir, I worked for the government there in '28 '65 and part of '67.

Q And you lived there up until when? A Until '67; March, '67.

Q That was the first time you ever lived in Fort Smith? A I was there in the war time as a soldier.

Q And then '67, where did you go? A To the Cherokee Nation, on the Arkansas River? A Right opposite Fort Smith.

Q And you have lived there how long? A Ever since.

Q What are you doing down there? A Farming most of the time.

Q Are you a citizen of the Cherokee Nation? A I was for a number of years and then I married a white woman. I claim citizenship yet.

Q But you were a citizen for a long time by adoption? A Yes sir. Q Now say you knew every man down in that country? A I did 25 years ago.

Q Well, suppose a man worked down there for three or four months and then he off and work around Fort Gibson or Choctaw Nation for some time, are you sure that you would know, you would be aware of that fact that he had worked there three or four months or a few weeks? A There didn't many people come there to work; I think I would have known it.

Q Then you undertake to say that every man that came there to work three or four months, you would have known him? A I think I would have known him.

Q Give me the names of some of them? A I couldn't give you no names; I don't know of any one coming down there. A colored man from the states wouldn't come over there. There were afraid to come more, it was too rough, too much trouble.

Q How long did it continue that way? A From '72 to '74, '75 or '76.

Q Well, you are speaking up until when, before when, up to when? A From '67 up to '75.

Q Then you undertake to swear here that you knew every man that lived in that country and knew every man that worked in that country? A Come pretty near knowing.

Q Whenever there was a stranger come in that country they knew him in a few days? A There were very few there at that time;

- there wasn't twenty white people in that country.
- Q If they come within ten miles of you and worked two weeks then you would have known him? A I couldn't say, yes; two weeks.
- Q Well a month? A I think so.
- Q Would you, keep track of them by putting their names on a book? A I would just remember; we had public workings at that time; people were poor, and they were horse racing, and people would congregate there.
- Q Way back thirty years ago, you can remember every man that lived there; the name of every man that lived there and worked there? A Yes sir, in that part of the country.
- Q About for forty miles? A I wouldn't say that; I knew every white man in Sequoyah District Cherokees and what few white people that lived there.
- Q There weren't any poor niggers lived there? A I know every one within fifteen or twenty miles in that district? A I knew all the colored people in that district.
- Q Did you know all the little nigger children five or six years old? A No sir.
- Q How old did they have to be? A Just the grown people.
- Q How many years have you known George V. Vann? A I don't remember the year, between '77 and '79 the first time; I don't know what year it was. I met him out on the landing.
- Q Have you ever seen him before that? A No sir, never seen him before.
- Q Do you know of him buying any farms down there in 1879 or 1880? A I don't know; he settled down there in the bottom three or four miles from the landing. He settled there; I don't know whether he bought any. I was back in there once with a sheriff two or three time where he lived.
- Q Did you say you were a deputy marshal at Fort Smith? A I was deputy marshal of the United States Court.
- Q How long? A Five or six years.
- Q When was that? A I was one of the posse in '68 and '9 under a man named Bessler, and then I got a commission in '69 or '70; I had a commission until '75, I think it was, under the different marshals there. I had a special commission in 1868 from White; that was the first commission I had.
- Q Now, do you know anything about a farm that went by the name of the Sheppard farm that Vann bought in sixty some time? A I know the Sheppard farm; I don't know that he bought it.
- Q Will you swear that he didn't buy it? A It wasn't owned by anybody but the Sheppard's then. I think it was owned by some of the Bell's; I know the Sheppard place.
- Q You don't know about the fact that he bought that place in sixty some time? A I don't know. I was within a mile of the Sheppard's place, I never heard of him owning that place; he lived three or four miles in the bottom.
- Q You are living at Muldrow now, are you? A Yes sir.
- Q You know who owns that Sheppard farm now? A I believe it belongs to Payne Brothers, I think it does; I am not certain.
- Q Who did they buy it from? A I don't know.
- Q Don't you know they bought it from George V. Vann? A No sir, I don't know that; they bought a place further back before that they bought from him; I know they got one place from him; they bought it back from Sheppard.
- Q I understand that you swear that at that time for years and years you knew every nigger in that country down there? A In that bottom I did.
- Q No matter whether he only stayed a month or two? A There wasn't any stray darkies come over; they were afraid, you couldn't hire them to come over; you couldn't hire a white man to come over there.
- Q Were they afraid of you? A No sir.
- Q Did you ever kill any of them? A No sir.

Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name? A Joseph Bruner.
- Q How old are you? A I am going on 66.
- Q What is your post-office? A Benga.
- Q In what district do you live? A Sequoiah.
- Examined by W. F. Hastings, Cherokee Representative-
- Q r. Bruner, when you were first old enough to remember where did you reside? A In Canadian District.
- Q With whom did you live then? A Joe Vann and his wife Jennie.
- Q Joe Vann? A Yes sir.
- Q Is he the same Joe Vann that was known as Rich Joe Vann? A Yes sir.
- Q The one that was blown up on the steamboat? A Yes, sir, blown up on the steamboat.
- Q Did he have a son named Jim Vann? A Yes sir, the oldest child.
- Q Did you know the family well? A Yes sir, all of them.
- Q Name some of the rest of Joe Vann's children? A John, Mary, Webster, Jane and Dee and Henry was one woman's children; that was Jennie's children.
- Q Do you know Jim Vann well? A Yes sir.
- Q Did he have a wife? A Yes sir.
- Q What was her name? A Arminta Ross.
- Q Did they have children? A Yes sir.
- Q What was their names? A Fanny Vann.
- Q Who did she marry? A Florin Lash.
- Q This merchant here in town? A Yes sir.
- Q You knew the family well? A Yes sir.
- Q Did you know the colored people that belonged to the Vann family? A Yes sir; that is I knew they went off the place the time the slaves was divided, and I knew three that was turned over to them, a man and his wife and a nurse girl of Ross.
- Q Did old Joe Vann have a slave by the name of George Vann? A Yes sir, he had one by the name of George.
- Q How, did he have more than one by the name of George? A Not more than one.
- Q Now, I believe you say you knew Joe Vann when he died? A I did.
- Q To whom did this slave George descend? A Delilah Vann when the slaves was divided; she drew him.
- Q Do you know what Delilah Vann's name is now? A She married Perry Brewer.
- Q She is alive now in Canadian District? A Yes sir.
- Q Did Jim Vann have a slave by the name of George Vann after his father's death? A Not that I ever knew or seen of.
- Q Now, what became of this George Vann that once belonged to old Joe Vann and descended to Delilah Vann now Brewer? A He got drowned at Fort Scott; I pulled him out of the river with a hook; I was the first man that put his hand on him; he is buried on the side of the Tamatar River.
- Q Where was that? A Near Fort Scott. That was along in the spring of '65, if I am not mistaken.
- Q During the war? A Yes sir, during the war. He had been to see his wife, Malinda Whitmore; she lived on Hill Creek.
- Q You knew his wife? A Yes sir.
- Q Did this George Vann have a brother named Daniel Vann? A Yes sir, and one child named Jim.
- Q Did you know Ben Johnson that used to live near Fort Smith? A I knew him.
- Q Did you know his children? A Yes sir.
- Q Did you know his slaves? A I knew all the young boys and one man they called Boss and a woman they call Dennis Bean's mother now.
- Q Do you remember her name? A Elsie.
- Q Was she one of Ben Johnson's slaves? A Yes sir.
- Q Is she alive? A Yes sir.
- Q Where does she live? A On the edge of the prairie in Sequoiah.

Q Do you know this applicant who goes by the name of George Vann?  
A Yes sir.

Q How long have you known him? A Right at fifteen years: maybe a little over.

Q Did you know him before the war? A No sir.

Q Did he at the time of Joe Vann's death belong to him? A No sir.

Q Did he belong to Jim Vann before the war? A No sir.

Q Was he in the custody or working for Ben Johnson before?

A I never saw him on Ben Johnson's place.

Q You knew Jim Vann's colored people? A No sir, he didn't belong to Jim Vann; I knew them.

Q You know whether or not Jim Vann ever lived in Fort Gibson here before the war? A No sir, he never lived here.

Q Where did he live? A Tibbers Falls and Park Hill in Canadian District.

Q Tibbers Falls is below here? A Yes sir.

Q And Park Hill near Tahlequah? A Yes sir.

Examined by J.F. Faulds, Attorney for Applicant:

Q You say you knew old Joe Vann who was blown up on the steamboat? A Yes sir, that was his master from Tennessee.

Q He was a high man, was he? A Yes sir, so called.

Q He had from two ~~xx~~ to four hundred slaves? A No sir, never was asserted that way.

Q Can you tell me exactly how many slaves he had? A No sir, not exactly.

Q Can you swear positively that he didn't have two hundred slaves at least? A Yes sir, and only the truth.

Q Did you count them? A No sir, I never counted them.

Q How do you know? A I knew the families of the old folks.

Q Well, he had over one hundred slaves? A Yes, he had over a hundred.

Q And may be two hundred? A No sir, I want to say two hundred.

Q You can't swear he didn't have two hundred? A He didn't have two hundred.

Q Did he have 175? A He never had in the neighborhood of 175, back this side of it.

Q Can you swear he didn't have 175? A I knew the families.

Q I didn't ask you that, didn't Joe Vann own 175? A He might have had; he had two places. I would rather think he didn't have them.

Q But you will safely say he had 125 or 150? A I would safely say 150 or a great deal smaller.

Q And he had two places did he? A Yes sir.

Q How far were they apart? A Between these and two and a half miles apart.

Q Your name is Joe? A Yes sir.

Q Did he only have one ran by the name of Joe, or did he have several Joes? A He had several Joes; I know them all.

Q Were there ever? A One all African ran was named Joe.

Q Joe what? A Joe Vann they might have called him; that is the slaves went by the master's name.

Q Go on? A And then he had a grandson by the name of Joe, Betty's son, and myself.

Q Just the three? A Yes sir.

Q How many Johns did he have? A One John.

Q Just the one John? A Yes sir, just one John.

Q Are you sure? A There was a John and a Johnson.

Q Only one John? A Yes sir, only one John; his son John and a colored man John.

Q There were two? A One John as a slave.

Q How many Sams did he have? A Two Sams.

Q How many Henrys? A He had the Henrys with his son his child.

Q Then he only had one Henry? A Yes sir, that is all I ever saw.

Q How many Bills or Williams did he have? A He had one.

Q Just the one? You swear that? A Of course, I'm swearing.

Q That's all?

Q How you got three Joes, one John, two Sams and one Henry, and one William? A Yes sir.

Q That is eight? A Yes sir.

Q Give me the names of all the others he had? A I told you I could tell the families; but as for the others, I could tell the families.

Q Can you give me the names of any others he owned? A Yes sir.

Q How many can you give me? A I expect I can give you fifteen or twenty of the old folks.

Q Can't you give me any more than fifteen or twenty? A I can give you the heads of the families.

Q Well, now, they had three Joes and only one George, you will swear to that? A Yes sir.

Q Out of 150, he only had one George? A That is all the George he ever had on the place.

Q Are you sure of that? A That is all.

Q On both places? A He never had any George on Polly's place.

Q You kne Sheep George? A Never was there.

Q Wasn't he called Horse George? A He was a race rider; they called him George.

Q Didn't you know Hog George? A He wasn't there; I never heard it.

Q Did you know Sheep John? A I never saw Sheep John; I knowed him, but he wasn't there.

Q How many Jims were there? A There were two Jims.

Q Were there any Dicks? A Yes, there was one Dick there.

Q Just the one? A That is all I know; that was a nickname.

Q And this George Vann that you knew was drowned? A He was drowned.

Q And you pulled him out? A Yes sir.

Q Did you see him go in? A I didn't see him go in the river; I pulled him out. I was out at the Diamond Hotel working as a porter and they told me he was drowned.

Q And you buried him six feet under the ground? A I don't know; I never measured the distance; I know he ~~was~~ is buried.

Q Now, your citizenship is disputed, isn't it? A That's what they said it was.

Q Your name is not on the 1860 roll? A No sir.

Q But you claim it ought to have been? A It ought to be on all the rolls.

Q You are trying to get on the rolls now? A That's what I come here for.

Q Well now, you were arrested down here at Fort Smith for paddling whiskey or havin' whiskey? A Of course, I was; I don't deny that.

Q On the Bank of the River? A I wasn't arrested on the bank of the river.

Q Well, where? A If anybody knows where, let them say.

Q I have a right to ask you where? A On the Sand bar.

Q Who was with you? A By myself.

Q Wasn't there a George Vann with you when you were arrested? A No sir, George is dead and buried down there at Fort Scott.

Q Well, you went out on a scout, didn't you, you went away after your arrest? A I stayed around, from the territory back and forward; I went to Kansas.

Q Stayed five or six years in Kansas? A No sir, I didn't.

Q Wasn't that the reason they wouldn't enroll you? A No sir, they enrolled me before - I was enrolled before Wallace; that was the first chance the people had to be enrolled by; Wallace enrolled me.

Q You broke jail at that time? A Yes sir, I got out of jail.

Q At Van Buren? A Yes sir.

Q They never did get you again? A I come to the nation, they never did get me on the whiskey.



- Q They let you go? A Yes sir.  
Q You were arrested again, weren't you? A Where at?  
Q Not long ago? A Yes sir.  
Q And you were charged with perjury? A Yes sir.  
Q Tried before the Commissioner; the Commissioner had an investigation over it? A Yes sir, at Sallisaw.  
Q And you were sent to Muskogee to await the action of the grand jury at Wagoner? A Yes sir, they turned me loose.  
Q And the grand jury ignored the bill? A They turned me loose; I don't know what they done.  
Q You swore you were a witness in the trial of Aleck Martin charged with murder? A Yes sir.  
Q And you swore that Aleck Martin was at home the night of the murder? A Yes sir.  
Q And that was the reason they had you charged in the trial with perjury? A Yes sir.  
Q And that is the reason they convicted you? A No sir, they didn't.  
Q How is it that your name is Joe Bruner and not Joe Vann?  
A Joe Bruner is my father and Joe Vann is not my father.  
Q Is your name Joe Wright? A No sir.  
Q Did you ever go by that name? A I taken my father's name; he is a Creek darkey.

Examined by W. H. Hastings, Cherokee Representative:

- Q I believe you say the grand jury discharged you on the perjury charge? A I never went before them; they came to the door and told me to go on home.

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

(signed) E. C. Rathenberger,  
Subscribed and sworn to before me this 30th day of April, 1901.  
(signed) C. R. Breckinridge,  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, et al as Cherokee Freedmen.  
Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name please? A Joseph Bruner.
- Q You were examined this forenoon in the George W. Vann case?
- A Yes sir.
- Q You stated that you had belonged to Joseph Vann, the one who is stated to have been blown up in a steamboat? A Yes sir.
- Q That's the Joseph Vann that was blown up in a steamboat on the Mississippi River? A They tell me it was Louisville, Kentucky.
- Q It was off east there some place? A Yes sir.
- Q Then when that Joseph Vann died you belonged to a son of his?
- A No sir, his family.
- Q He had a son named Jim? A Yes sir, oldest child.
- Q And you were personally acquainted with all the slaves that lived on the plantation there, that belonged to Joseph Vann?
- A The old heads I was, and a good many of the children.
- Q But you knew all the grown up men and women that had families?
- A Yes sir.
- Q Now you testified this forenoon that the Joe Vann family did not own any slave named George except one who was drowned by up here opposite Ft. Scott? A Yes sir.
- Q But I believe the question wasn't asked you directly as to whether you knew this applicant here, who calls himself George Vann, did you know him by any other name? A Yes sir.
- Q Did you know this man here, George Vann, who calls himself George Vann? A I know him now.
- Q But did you ever know him before the war? A I never knowed him before the war.
- Q You never knew him as being a slave of the Joe Vann family under any name? A Not any name, no name whatever.
- Q When did you first know him? A 15 years ago.
- Q That was the first knowledge you had of this individual under any name at all? A Yes sir, I called his attention to me; I come out of Orfendorfer's store, and I says, parson, and he stopped and looked around; says I: your name is Parson Vann? A He says, Yes. I says, what Vann did you belong to, and he says, I belonged to Joe Vann, that big Indian that owned the Lucy Walker steamboat.
- Q I says I am by the stock of Vann negroes and says I don't recollect you, and says that certainly I did, and turns around deliberately and walks away from me and I had no more questions.
- Examined by attorney for applicant, J.F. Maulds:
- Q Your understanding is that this steamboat was blown up at Louisville, Kentucky? A Yes sir, that's what I always understood.
- Q Not on the upper Mississippi? A I don't know whether it was on the upper or where it was; I have never been there.
- Q That's your understanding, that it was Louisville, Kentucky? A Yes, sir.
- Q You fell to Jim Vann? A I never fell to Jim Vann.
- Q Then you never was a slave of Jim Vann? A I was of the family he was a son of Joe Vann; I was in the family.
- Q When Joe Vann died were all the slaves divided up among his children? A Slaves were divided up, but it was four or five years after.
- Q Who were you given to? A Mallie Vann draged me.
- Q Where does she live? A There below Brigg's place, below the mouth of the Illinois. It was called the old Brigg's place.
- Q How far below the mouth? A It might have been mile and a half.

- Q That's where Sallie Vann lived? A With her mother.
- Q She was your owner? A She was my owner.
- Q How many slaves did she own? A She had me and old man Joe and his wife and Jesse and Sallie, Jeff, Lydia, and one that they called Angelina, for her part.
- Q And you never did belong to Jim Vann? A I belonged to him before the estate was divided.
- Q You were never his individual nigger? A I never was; only just with his father; I called him Farse Jim of course; he was Joe Vann's child and everything of that kind, but as for personally belonging to him I belonged just as much to one as the other.
- Q Did Dayfield get some of these same negroes? A Yes sir, a good lot of them.
- Q You know how many? A He got Patty and Lucinda with their four children, and there was John Karnahe and him both got some of the darkies, and there was a Pat, Phillis' daughter, she went away.
- Q Well, how long did Jim Vann live after there was a division of the darkies, the slaves? A He lived until the Rebellion here.
- Q How long before that were the slaves divided? A Between four and five years after Joe Vann's decease the slaves were divided.
- Q That was how many years before Jim Vann's decease the slaves were divided? A (No reply).
- Q When did Jim Vann die? A Died time of the war; he died in Kansas.
- Q Have you got any idea now as to how many years it was before Jim Vann died that these slaves were divided, six or seven years? A Longer than that.
- Q Ten years? A Before he died.
- Q Yes? A Then the slaves was divided it was about in '46 or '7 maybe 8, along in there when the slaves was divided; I am pretty positive of that.
- Q That would be about 15 years before the war began? A Jim Vann died during the war, it must have been 16 or 17 years before Jim Vann died that the slaves were divided? A They was divided directly after them two high waters.
- Q About how old were you then? A I might have been eight or nine years old when the slaves were divided.
- Q It must have puzzled your brain to keep track of these negroes during all this time? A I was a little boy and had nothing to do, and Jim Vann was able to keep me and I had been knowing them all.
- Q That's all you know, the little ones? A And the old ones.
- Q You were only eight or nine years of age when the slaves were divided? A I might have been that age; might have been older.
- Q You might have been six or seven? A I think I was about seven years old when the boat blow up I think I was older than that when the slaves were divided.
- Q You told me awhile ago that the slaves were divided up about five years after Joe Vann died? A Well of course.
- Q Well if you were six or seven years old, that would make you about 12? A Well, I said, I might have been; I was there all the time; went around with him in the horse lots and all those, - my mother was a cook with him, and I certainly did know.
- Q How old were you when Joe Vann came to this country? A When Joe Vann came to this country I come on the keel boat with him; my mother was at his cook with him, and I come on the keel boat; I was walking when I come to this country.
- Q Just able to walk? A I haven't got any great recollection about that, but I was walking.
- Q Three or four years old? A I would be ashamed of myself if it took me three or four years to walk.
- Q You remember when you first walked? A No, I don't.
- Q Didn't you row on the Steamboat? A No, I didn't.
- Q How did you come? A I came on Vann's boat, but it was a keel boat.
- Q Well then, how many people were these slaves divided among? An 1866? A I never counted them, how many there was; I never heard

it asserted how many there was; I know how many children drew.  
Q And all the names of the children? A Dave Vann and Sallie and William and Sophie and Johnson; then was Polly's children. Jim, Johnnie, Bellie, Henry; then was Jennie's children that was living.

Q Nobody else got any slaves except those you have mentioned?  
A Yes sir, negro traders come and bought some.

Q I am not talking about the slaves he sold, but the slaves that were divided among Joe Vann's heirs? A Their mother's crew.

Q Those mothers? A Their children's mothers.

Q I say you have mentioned all of them that got a share of the slaves? A Yes sir.

Q And you have kept track ever since 1840 of all the slaves that every one of these heirs drew? A I never kept no track of it, but I know.

Q Well you must have kept track of it if you know? A I can recollect what children draw darkies on the place; I was living.

Q 125 or 150 of them? A Jim Vann himself got considerable of money and of them darkies before the estate was divided, and when the estate was divided he was in California, but he drew a child's part.

Q Jim Vann was pretty much in debt? A Joe Vann was, so they said, but Jim wasn't.

Q Didn't Jim drink? A Yes sir.

Q He was always pretty hard up? A I don't know that.

Q Didn't he ever hire his negroes out? A None that I know of; when he got hold of them he carried them off and sold them.

Q Didn't hire any one? A Not that I know of.

Q You would know? A Of course I would; he never hired none at all.

Q And none of the other children hired them out? A Not before they was divided.

Q Well, after they was divided? A I never kept track of them, I was off with Sallie after she married Vough; she staid at her mother's until she married Vough.

Q You just kept track of Jim Vann's slaves? A I knew what Jim had when I left the family.

Q Why don't you know what the others had? A They had their slaves.

Q Why is it you know how many Jim Vann had, if you don't know how many Jim Vann had? A I tell you I know how many they had, just like I know what my mistress had me at the time.

Q You know how they were divided, what this one got and what that one got; you have remembered it ever since? A I was in the country and saw the whole thing; I know who divided them.

Q How many of these slaves can you name over now of all these slaves, 125, 150 or maybe 200? A I can name over a good many of them.

Objection by Cherokee Representative, James S. Davenport, on ground that all of this has been gone over.

Q There were all the slaves when the boat was blown up? A Every one was on the place except 10 or 11, that were with Joe Vann.

Q And they were blown up? A They were blown up on the boat with Joe Vann; there were not any of them hired out.

Q There was his race horses then? A They were there on the place, what were not dead.

Q Well now, you were a slave yourself, and you ought to know what was usually done in those days; wasn't it a thing of frequent occurrence for an owner to hire out his slaves? Wasn't it customary there for them to hire out their slaves? A I don't know, what it was with the other people, but it wasn't with Joe Vann.

Q You didn't know anything about any other people but Joe Vann? A I know other people.

Q For such are you getting to testify to-day? A-

Attorneys for the Cherokee Nation object to the question.  
Cory Irackinidge, to Cherokee Representative, W. W. Hastings.

Mr. Hastings, state what fees you are giving here every day? Hastings: Two dollars a day and mileage. That two dollars a day is discounted.

Examination of witness continued by attorney J.F. Fauld's:

Q You are getting two dollars a day here as a witness, and your expenses- and your mileage; you get mileage there and back and two dollars a day, that's it? A I suppose so; it has never been told me.

HARTWELL W. HOUSTON, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name? A Hartwell W. Houston.

Q How old are you? A I am 57 years old.

Q What is your post-office? A Fort Smith, Arkansas.

Q Do you live in Ft. Smith? Or in the Cherokee Nation? A I live in the Cherokee Nation half of the time or over half of the time, but I am an old soldier and I have to be somewhere where I can work at my trade, and I stay there while I am on business, backwards and forwards.

Q How long since you first came to the Cherokee Nation? A I came to the Cherokee Nation about 1850.

Q How long did you stay in the Cherokee Nation at that time? A I staid here about six months, I reckon.

Q And then when did you return to the Cherokee Nation again? A I didn't come to it no more then until about '85.

Q And how long did you stay in the Cherokee Nation then? A I staid one place and another over a year.

Q And then when did you come back to the Cherokee Nation again? A I come back then again in about '76; I was here between that and that, but I didn't stay long; I was here two or three times during that, but you are asking for the time I staid any length of time; I just passed in and noticed my property and passed out, and about '76 I built here, that is I left money here then to build and clear up.

Examined by applicant's attorney, J.F. Fauld's:

Q Where has your home been, your effects since 1850? A They were here; that is of course I had some of my wearing clothing away, and pretty well all of them, but I had some stock and I kept it here; I didn't have much more than wearing clothing outside of stock.

Q Do you know George W. Vann, this man here, the applicant?

A I guess I do.

Q When did you first know him? A I have known him about 50 odd year; his mother and my mother was sisters.

Q You are his cousin? A Yes sir.

Q Well how where did you first know him? A I first knew him in Tennessee.

Q When did you first know him here in the Indian Territory? A I knew him in 1855 I think it was, I know him here; well I think when

I was here in '60 I saw him, but I don't remember exactly where he was; whether he was sitting down doing anything or not; but he was loafing around, and I think he was on the boat sometimes; I guess I just merely saw him and didn't have much time to fool with him.

Q You know whether or not he was a slave, and if so, who owned him?

A If I understand it he was no slave; by learning about it so far as my knowledge got, he was kind of under a mortgage or something of that sort, guardian, it was nearly like slavery in slave time, because I was pretty much in that fix myself.

Q Who mortgaged him? A I don't know.

Q Was it said that anybody had mortgaged him or was his guardian? A It was somebody before that, I can't recollect the name, I don't know; I heard it was from old Joe Vann or somebody he had mortgaged him off, and him under that loan for money or something of that sort.

Q When was that talk made? A That was made to me in '60 when I was here.

Q Did you ever hear his name mentioned in connection with Jim Vann, son of Joe Vann, at that time, in '60? A Yes sir.

Q Was that it? A Jim Vann was the one he was under, and he was often with - I heard he hired his time, and he would run on the boats too.

Q You heard that at that time, in '60? A Yes sir, along then I heard it. That was when I failed to see him only just a very few times.

Q What part of the Cherokee Nation did you see him in here?

A Down here near Ft. Smith in Sequoyah District.

Q Then it was your undertaking and the general talk at that time that he was under contract of Jim Vann? A Yes sir, that's a fact, the way I heard it.

Examined by Cherokee Representative James S. Davenport:

Q Who did you hear say he was under contract of Jim Vann in 1860?

A Well I heard him say so.

Q Then what made you say awhile ago you didn't know much about where he was in '60? A I didn't; and tell you I don't know that yet; I said I didn't see him much that time; that's what I said.

Q When was it you heard him say he was under the control of Jim Vann in '60? A I heard him say it in '60.

Q Where were you when the war broke out? A I was in the state of Tennessee when the fight was in July.

Q In '61, when the war began? A I was in Tennessee.

Q Were you living there at that time? A I didn't live nowhere much.

Q You had no family at that time? A No sir.

Q And you were over in Tennessee? A Yes sir.

Q Had been there for some time when the war broke out? A I went from here in '60.

Q And you had never lived here but a few days? A No sir.

Q Just been over here prospecting around? A No sir.

Q Where were you when the war closed? A I was in Nashville, Tennessee, because I was mustered out in January; I was residing in Nashville in January, 1865.

Q Where were you when you enlisted in the army? A Murphysboro, Tennessee.

Q And you mustered out at Nashville? A Yes sir.

Q And you then came to the Cherokee Nation? A I did.

Q What year did you come to the Cherokee Nation? A Fall of '66.

Q You have been living here? A No sir, I have been backwards and forwards.

Q You are not a freedman? A I was free myself.

Q Was you free before the war? A Yes sir.

Q And you living in the state of Tennessee? A Yes sir.

Q You are a cousin of George Vann's? A That's what's told me.

Q You know where George Vann was living when the war closed?

Q He was living here in the nation.

Q Do you know that of your own knowledge? A Yes sir, I know it.

Q You were in Tennessee when you were mustered out, how do you know that? A I come right here.

Q You were mustered out in '68, was you here then? A No sir, I was mustered out in '66.

Q What place was George living on when you came? A This side of Ft. Smith, about a mile and a half from the bridge.

Q George has lived there ever since? A No sir, he has moved further up this way.

Q Well has he lived continuously in Sequoyah District to your knowledge since '65? A Yes sir, to my knowledge; he has been out at times.

Q You hear he has been out at a time? A I don't know that he has been out any time but once to my knowledge he has been out about a year.

Q You don't know where he was? A No sir.  
 Q You don't know what year that was? A No, I do not.  
 Q You know when George came back to the Nation? A Well I can't tell you; I can not tell you unless I tell you what I heard.  
 Q I ask you what you know? A I don't know.  
 Q You know whether he ever lived in the state of Tennessee near Chattanooga, or not? A Yes sir, I am satisfied he lived there.

Examined by attorney J. T. Paulds:

Q When was it he lived there? A When I was a little fellow.  
 Q That was long before the war? A Yes sir.  
 Q How old are you? A I am 67 years old the 25th day of this coming June; I was born the 25th day of June, 1834, it's put on the books.  
 Q You know when you first joined the army? A Yes sir.  
 Q You know what year it was? A Yes sir, it was in '63, the 11th day of 10th day of September, '63, immediately after Rosecrans left Murphrysboro to go south after General Braggs.  
 Q Where did you live before that? A In Tennessee.  
 Q Where did you live before that; you know where you lived in '61? A I tell you I was out here in '60, and I was back in '60.  
 Q Come out to the Indian Nation? A Yes sir, I want here I don't think any over a year, anyway, and then I went back and then when I come again, that was in '60 and then I didn't come back, as I tell you, only just passed in and out between that and '65.  
 Q What did you come here for in '60? A Because my mother told me I had a right in the Cherokee Nation, and I know my grand'father John Brown was her father, and she always did tell me I had rights here.  
 Q You were here in the Cherokee Nation in '60 and '61? A In '60 well it may have been part of '61.  
 Q You stayed you said here a year? A Well, a year.  
 Q Then you were here in '61? A It may have been about the first of '61 when I went back; it was the first of '60 when I come, and I stayed here a year or a little over, and then went back and passed back again before '63, when I enlisted and then I was in the war and never got here no more until '65.  
 Q It was '60 when you went into the army? A Yes sir.  
 Q Your mother was living in the Cherokee Nation at that time?  
 A No sir.  
 Q Oh in Tennessee? A Yes sir, in Tennessee; she has told me that if you search the rolls of '35 I think, along in September some time in '35, you will find Brown, had slaves, and he had six half-breed Cherokees and they were free.  
 Q You are a free negro? A I am a free negro and Indian together.  
 Examined by Cherokee Representative, James S. Davenport:  
 Q Now when you came here in '60 you came here to set up and claim a right in the Cherokee Nation? A Yes sir.  
 Q What right did you set up to claim in '60; what did you claim as; as a Freedman or a Cherokee by blood? A Well I didn't claim either one, for I didn't know anything about any such thing as that; I come because I was kin to the Indians and they told me I had a right and I come to take up land; I heard they used the land in common and I thought I could take up a place where nobody was claiming and live there.  
 Q Didn't you know what you claimed, what right, whether as a Cherokee by blood or a Freedman? A No sir, I didn't know; I did not know what way I had to claim it.  
 Q As a matter of fact you never came here in '60 to claim a right? A Yes sir, I did.  
 Q Then you must know what right you had to claim when you came? A No sir, I didn't know.  
 Q As a matter of fact you came here to claim as a white man didn't you? A No, I didn't; I know exactly what I want; I come to claim the land, that was my claim.

Q You were going to claim it whether you were a citizen by blood or a Freedman? A You want to find out what I claimed to be, Cherokee by blood or Freedman; well I knowed I was part negro and part Indian; according to what I had been taught; of course I didn't know only what people taught me, and knowing that they said I had a right well I come to take that land and stay on it, until they see fit or I see fit to move to some other place, like the Indians done; of course, as I tell you, I learned I was part negro and part Indian.

Q You came to claim as a Cherokee by blood or Freedman you didn't care which? A As I tell you, I was claiming negro and Cherokee.

Q They told you you could get land in the Cherokee Nation claiming as a Freedman or Indian? A Yes sir.

Examined by Attorney J.F. Paulds:

Q When were you told that? A You may somebody told you? A I didn't tell you somebody told me; my mother told me; she knowed how they did.

Witness returned, after being excused:

Witness: I wish to correct a ny mistake I made.

Com'r Breckinridge:

Q You want to state just what you were in '60, is that the point? A Yes sir.

Q You were free in '60? A Yes sir.

Q And you were free before '60? A Yes sir.

Q And you never were a slave? A No sir.

Examined by Cherokee Representative, James S. Davenport:

Q What was your post-office in '60, in Tennessee? A I had no post-office; I didn't write any; I didn't have no writing to do.

Q By whom were you freed before the war; were your parents ever slaves? A They never was; neither one of them.

Q What place in Tennessee did your parents live? A They lived around Chattanooga.

Q Was their post-office at Chattanooga? A I do not know; I suppose it was; if they had any writing to do that it would have been; they didn't know any writing.

Examined by Commissioner Breckinridge:

Q Chattanooga your nearest town? A Yes sir.

Examined by Cherokee Representative, James S. Davenport:

Q In what way did you travel when you came to the Cherokee Nation in 1860? A I traveled on my feet and on a boat.

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

(signed) F.D. Green.

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

(signed) T. B. Needles,

Commissioner.

Cherokee Freedmen D-115

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April 29, 1901.

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

Additional testimony.

Annie Green, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Annie Green.

Q How old are you? A I don't know my age exactly, but I think I am about 36 years old.

Q What is your post-office? A Bragg.

Q Have you lived in the Cherokee Nation all your life? A No, sir.



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

Q You want to give some testimony in the application of George W. Vann, do you? A Yes, sir.

By V. W. Hastings, attorney for Cherokee Nation: He summoned her here for that purpose.

Q You are married now? A Yes, sir.

Q What was your maiden name? A My maiden name was Annie Price.

Q Where were you born? A I don't know, sir where I was born.

Q When you were old enough to first remember, where did you then live? A At Little Rock, well, in Argenta then, but it is called North Little Rock now.

Q It is across the river? A Yes, sir, in Argenta.

Q How long did you live at Argenta? A I lived there up until 14 years ago.

Q Were you married there? A Yes, sir.

Q With whom did you live before you were married? A My mother.

Q What was your mother's name? A Lucy Yarbrough.

Q What was your father's name? A Jose Price.

Q Is your father dead? A Yes, sir, that is what I was told, I haven't seen him.

Q You didn't know your father? A No, sir.

Q Your mother, is she living? A Yes, sir.

Q Where does she live now? A She lives in Argenta.

Q Where she used to live before you left there? A Yes, sir, right at the same place.

Q Do you know this colored man here, who goes by the name of George W. Vann, the applicant? A I got acquainted with that name 14 years ago by the name of Vann.

Q Do you know the man now? A Yes, sir.

Q I don't care about the name; you know the man, do you? A Yes, sir, I know the man.

Q How long have you known him? A Ever since I can recollect.

Q Mrs. Green, where did you know him? A In Argenta.

Q What name did he go by there? A George McKamy.

Q Did he live there? A Yes, sir.

Q How far did you live from him? A Well, about the space of this building I reckon, might have been a little over.

Q Was there a house between your house and his? A No, sir, there was a vacant lot.

Q Some vacant lots of about this distance? A Yes, sir, might have been a little larger, and might not have been as much, but that is as near as I recollect.

Q It was a short distance of vacant space between your house and his; his house was the next house? A Yes, sir.

Q He was living there when you can first remember? A Yes, sir.

Q And you were living there when you can first remember, although you don't know where you were born? A No, sir.

Q Do you know this man, the applicant's, family? A Yes, sir.

Q Do he have a wife there? A Yes, sir.

Q What was her name? A Mary Jane.

Q He had more children did he? A Yes, sir.

Mr. J. P. Pauls, attorney for applicant: If you have any other witnesses, I would ask that the rules be enforced.

Mr. Hastings: We might have some other witnesses on the stand, but not on this point, we might call Mr. Peters and Bruner.

Commissioner: You two will go outside.

Questions by Mr. Hastings: Did you know his family well? A Yes, sir.

Q How long did you know the applicant George W. Vann, or George McKamy, there in Argenta, up until about when? A Well, as near as

I can come at it, about two or three years, might have been three or four years, before I married, and I was married in 1879.

Q And you knew him from the time you can first remember up until a short time before you were married? A Yes, sir.

- Q Did he live there at that same place all this time? A Yes, sir, lived there till he left there.
- Q Lived there till he left there? A Yes, sir.
- Q Were you intimately acquainted with the family? A Yes, sir.
- Q What did the applicant, Mr. Vann or Mr. McKamy, do down there in Little Rock? A What, you mean his occupation?
- Q Yes, what was his occupation? A He was a Justice of the Peace, that is what they called it, I don't know what sort of office it is.
- Q He held that office? A Yes, sir.
- Q About how many years, Mrs. Green, do you think you can be certain in saying you knew him? A Maybe about 25 years, or 26.
- Q About, I mean up until the time he left? A I don't know, I don't recollect how long it was.
- Q You mean now that you have known him for 25 or 26 years? A Yes, sir.
- Q I mean that you knew him in Arkansas; did you know him as much as ten years? A No, sir, I don't think I knew him that long.
- Q About how many years do you think you could be sure in saying you knew him? A You mean before I left there?
- Q Before he left? A About ten years, yes I guess it was that long, maybe longer.
- Q And he lived you say, right near you in Argenta? A Yes, sir.
- Q You are certain this is the man? A Yes, sir, I know him.
- Q You have talked with him since you have moved to this country?
- A Yes, sir.
- Q What name did you address him by then? A Mr. McKamy.
- Q Did he acknowledge that that was his name? A No, sir, he denied his name.
- Q Said that wasn't his name? A Yes, sir.
- Q You know this is the same man here? A Yes, sir, that is the same man.
- Q No doubt about that? A No, sir, that is the same man.
- Q Did you know his children out there in Argenta? A Yes, sir.
- Q What was his oldest child named? A I think his oldest child was named Lawt, a boy.
- Q Did he have another one? A Yes, sir, Jim.
- Q Did he have another one? A Mary Jane.
- Q That a girl? A Yes, sir.
- Q Did he have any more children? A Yes, sir, he had one named Allie.
- Q Did he have any more? A One named Wash.
- Q You grew up with these children? A Yes, sir went to school with them.
- Q You knew this old man intimately? A Yes, sir, of course I knew him, he has whipped me lots of times.
- Q And you have met here and talked with him since you have been in this country? A Yes, sir.
- Q You have known him since you have been here, have you? A Yes, sir.
- Q I believe you say that he lived there until some two or three years, to the best of your knowledge, before you were married, and you were married in 1879? A Yes, sir.
- Q You say that man as far back as you can remember was living there on the adjoining place near you in town? A Yes, sir.
- Q Is there a man by the name of Caldwell down at Fort Smith? A Yes, sir, Walter Caldwell.
- Q Did he know Vann? A Yes, sir.
- Q Is he a colored man or a white man? A He is a white man.
- Q Did he live there at the same time those people lived there? A Yes, sir.
- Q Did he live at Argenta I mean at the same time? A Yes, sir.
- Q This man is now in the drug business at Fort Smith? A Yes, sir.
- Q He will know and remember them about Vann too, will he? A Yes, sir.
- Q And your mother lives at the same place back there? A Yes, sir, at the same place.
- Q Mr. Paulds: You say you are about 36 years of age? A Yes, sir, as near as I can recollect, I don't know my age exactly.

Q Do you remember the war? A Fo, sir.

Q How long have you lived in this country? A Five years.

Q What part of this nation have you been living in during the last nine years? A Lived at Bragg about 5 years and lived in Sequavah three years.

Q Where did you live before that? A Fort Smith.

Q When did you go to Fort Smith to live? A About 1897 I believe;

1877 I believe that is when it was, I don't recollect.

Q You want to live in Fort Smith in 1897? A Yes, sir, I think so.

Q And how long did you live there? A I don't recollect, it has been 14 years from the time I came to Fort Smith till I moved here to Bragg; I never kept count of the years.

Q Where did you live before the time you lived in Fort Smith? A Lived in Argenta.

Q When did you leave Argenta? A I think it was '86 when I left Argenta, I think it was.

Q Did you live in Argenta from the time you were born until 1886? A From the time I can recollect till 1886, yes, sir.

Q You say you were married in 1879? A Yes, sir.

Q Where did you go to then? A Stayed there.

Q Stayed in Argenta? A Yes, sir.

Q Do you know where you were in 1865? A In 1865 I guess I was in Argenta; in 1866 I guess I was in the Nation.

Q What year is this? A This is 1901; in 1865 I was at Bragg; it was 1866, the payment, wasn't it,

Commissioner: Do you mean 1865 or 1895? A I am speaking about the payment, I believe I lived at Bragg.

Mr. Faulds: I asked you where you were living in 1865? A How long has that been?

Q Never mind; where were you living in 1865? A You seem to know dates pretty well? A In 1865 I was in Argenta, must have been.

Q Was George W. Mann there then? A In Argenta, no, sir.

Q Was he there in 1862? A Not as I know of.

Q Was he there in 1866? A I don't know, I don't recollect what year it was he left there.

Q Was he there in 1870? A I don't think he was there because he had left there.

Q He had left there before 1870? A Yes, sir.

Q Never came back again? A He came back for his family.

Q Just came back for his family? A Yes, sir.

Q And took them away? A No, sir, I don't think he taken his family with him, away and left his family and they come away he came soon afterwards.

Q And that was before 1870 wasn't it? A I don't know just what year he left there, I can't say what year he left there, because I don't recollect what year it was.

Q You don't know when he left there? A No, sir, I don't know when he left there, because he ran off.

Q You don't know when he came there? A No, sir, I never said I knew when he came there.

Q He might have left there in 1866 for all you know? A He was there when I knew him.

Q You can't say he was there in 1870? A I tell you I didn't keep account of it.

Q You can't say he was there in 1872, can you? A He was there before I married.

Q Can you say George W. Mann was living in Argenta in 1872? A I don't recollect, but I can point you the people can tell you what year he left there.

Q I am not asking you about what other people say? A I know the year I married he was gone away from there a good while before I married, I never kept no account of it because I was a child and they didn't allow me to meddle with old peoples' business.

Q You think you were married in 1879, do you? A Yes, sir.

Q How old were you when you were married? A I guess I was about

14 years old they say.

Q You say that this George V. Vann that you know over there was a Justice of the Peace? A I didn't know any Vann over there.

Q This man McKee that you know over there? A That is what he was, Justice of the Peace.

Q And he officiated there as a Justice of the Peace, acted as a Justice of the Peace? A Yes, sir.

Q Tried cases? A Yes, sir, tried cases.

Q Were you ever tried before him? A No, sir.

Q Any of your kin people? A No, sir.

Q Where did he have his office? A Down on the river, near the Fort Smith bridge, the Fort Smith and Little Rock bridge is now.

Q Were you ever in this Court that he held as a Justice of the Peace? A No, sir.

Q Ever were there? A No, sir.

Q How long did he hold that position as Justice of the Peace? A I don't recollect how long he held it, I don't know.

Q Two months? A I don't know.

Q During all the time that he was there he held this position of Justice of the Peace? A I don't know whether he held that office all of the time he was there or not.

Q Do you know whether he was a constable there or not? A He had a constable named George Akins.

Q But he wasn't a constable? A No, sir, he tried people, his constable arrested them.

Q And he went from there a long, long time before you got married? A I don't know how long.

So long that you can't remember? A I don't know how long it was, it was a good while, I recollect when he left but I don't know what year it was.

Q It was a long while before you got married that he left there? A I don't know, two or three or three or four years.

Q Or ten years? A I don't know, I am not going to say it was ten years because I don't know.

Q And you don't know how long he lived there and acted as Justice of the Peace? A No, sir.

Q Have no idea? A No, sir.

Q Do you know what day of the month the 4th of July falls on? A What day of the month?

Q Yes. A It falls on the 4th.

Q Do you know what day of the month Christmas is on? A The 25th. Mr. J.S. Davenport, attorney for Cherokee Nation: I think, if the Commission please, we should confine ourselves to the facts in this case, and I object to that manner of testimony.

Commissioner: It is quite apparent that the witness remembers events not exactly by the almanac, but she remembers certain leading events and her method is, so long after certain leading events, and she is quite an intelligent witness in her way, but this is a method you are inquiring about that she evidently does not pursue in her system of recollection; that is not the method that she has shown here at all.

Q Is your husband still living? A The one I married in 1879, he is dead.

Q You have been married since that? A Yes, sir.

Q When were you married the second time? A In 1887.

Q Where were you married? A Fort Smith.

Q How long had you lived there before you were married this second time? A I had just moved there, came there and married.

Q What makes you think you are 36 years of age? Is your name in the family bible? A No, sir, I said as near as I can tell at it, I don't know my age exactly.

Q You can't know your age? That is what your mother told you I suppose? Did you say how old you were when you first married?

A I think I was 14 years old, some or 15.

Q You what were you doing the first time you ever saw this man  
Johnny? A That was I do not.

Q Yes. A Playing around the yard I guess.

Q Just a little bit of a fight? A Yes, sir, it was the first of my  
recollection about him; he knew me before I knew myself, but the  
first of my recollection I used to play with his children and go  
to his house and we children would get to fighting and he would whip  
us; I am not recollecting him from his whipping.

Q Sometimes he would take you on his knee? A Yes, sir lots of  
times, he took me across his lap and gave me a good whipping.

Q You parted there pretty good friends, didn't you? A Yes, sir,  
I am not any enemy of him now; I have got nothing against him.

Q Along about the time he left there he was in the habit of whipping  
you and putting you on his knee? A To, sir, he didn't play  
with me then.

Q That is all that he ever did there in Fort Smith, was to set as  
Justice of the Peace? A To my knowledge, that is all.

Q As long as you knew him there you understood that is what he did,  
acting as Justice of the Peace? A Yes, sir.

Q I mean Argenta, as long as you knew him there he was filling  
this position? A Yes, sir.

Q You don't know how long he filled that position? A No, sir,  
I don't.

Mr. Hastings: I believe you stated that you came up to Fort Smith  
in about the year 1887? A Yes, sir.

Q You were married in about 1897? A Yes, sir.

Q Those are dates that you remember? A Yes, sir.

Q I believe you stated that you knew Mr. Vann from the time you  
can remember, within two or three years of your first marriage?  
A Yes, sir.

Q And that was in Argenta, Arkansas? A Yes, sir.

Mr. Maulds: You have already sworn that it was a long time before  
that first marriage that he left there and you saw him no more; are  
you going to take that back? A I didn't say I didn't see him; you  
didn't ask me did I see him; you asked me did I know him.

Mr. Hastings: Do you know his wife, Mrs. Jane's, mother?  
A Yes, sir.

Q What was her name? A Sallie.

Q Was she living down there? A Yes, sir.

Mr. Maulds: When did you first know this woman you have just spoken  
of? A Mary Jane's mother?

Q Yes, when did you first know her? A Ever since I can recollect  
her.

Q When is the last time you saw her? A It has been about 17 years.

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 30th of April 1901

(signed) E. B. Paedles

Commissioner.

SUPPLEMENTAL TESTIMONY.

F. D. 115.

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  
GEORGE W. VANN, et al., as Cherokee Freedmen;  
HARRISON ARBAUGH appears as a witness in the case of  
George W. Vann, et al., D - 115, - present, George W. Vann and  
Attorney, and also the Attorney for the Cherokee Nation,  
Said Arbaugh being sworn and examined by Commissioner

C. F. Breckinridge, testified as follows:

Q What is your name? A Harrison Arbaugh.

Q How old are you? A I was born in '34.

Q What is your post office? A Muldrow.

EXAMINATION CONTINUED BY JOHN E. PAULDS, Attorney for Applicants

Q Where have you lived since the war with the Confederacy? A I have lived principally in Crawford County, in the State of Arkansas.

Q How far would that be from Fort Smith? A It is called about 15 miles.

Q Have you ever lived in the Cherokee Nation? A Yes, sir.

Q Whereabouts? A I have been living in the Cherokee Nation a short time; I have only lived in there about 14 years.

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

Q When did you first know him? A Shortly after I was ~~dis~~ mustered out of the service; I was mustered out in the eastern part of Arkansas in the spring season and came that fall to Fort Smith to see my Ma, she lived in Fort Smith.

Q What year was that in? A That was in '66.

Q Did you see George Vann at that time, and if so, where?

A My mother lived in Fort Smith and I come to Fort Smith and there I saw him.

Q Do you know where he was living then? A He lived somewhere across the river in the Nation, I don't know where.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q In 1865? A In 1866.

Q Well, now, do you know where he has lived since 1866 up to the present time? A He has lived in the Cherokee Nation? A He has been in the Cherokee Nation and in this Territory, one place and another, I could not tell where all; this is his home as far as I know.

Q You have seen him off and on during the whole of that time, have you? A Yes, sir.

Q Now, you were a non-commissioned officer in the army were not you? A Yes, sir.

Q Did you hold some official position in Fort Smith? A I came there two or three times a deputy under officers, three or four times, four or five times.

Q You have been constable have you? A I have served under Deputy Sheriff.

Q How long? A Oh, just two or three times in the case of catching a bad fellow.

Q Do you know anything about George W. Vann being a Constable in Argenta, Arkansas, for a short time? A Well, About, a short time after the war, I went there, can't say, I am not going to say, but a short time after the war I went to see a soldier of mine that I served with in Little Rock and it was just about the time there was a big disturbance down there and about that time I saw George Vann and he was a Peace officer, something of this kind on this side of Argenta.

Q That was in the time of the Brooks and Baxter? A Yes, sir; there was a disturbance and they wanted me to sign and I would not do it.

BY W. W. HASTINGS, Cherokee Representative:

Q Where did you say you lived now? A Muldrow.

Q How long have you lived there? A I have lived there at Muldrow and near there 14 years.

Q Where did you come from when you come to Muldrow? A I came from Arkansas, Crawford County.

Q How long did you live in Crawford County? A I lived in Crawford County since the war.

Q Is that the County seat of Sebastian? A That is the County Van Buren is in.

Q North of Sebastian? A Yes, sir.

Q And about how far north of Fort Smith did you live? A About 15 miles.

- Q You never saw George Vann until after the war? A I saw him a while ago in 1866.
- Q That was after the war? A Yes, sir, after I was mustered out.
- Q And you saw him in Fort Smith at that time? A I saw him in Fort Smith.
- Q Well, what were you doing there then? A As I aforesaid I a while ago I come to see my mother, she was in Fort Smith.
- Q Well, how long did you remain there at that time? A I remained there off and on six or seven days.
- Q You saw this George Vann at that time? A I saw him then.
- Q You recognized him now as the same fellow? A As the same George Vann.
- Q He went by the name of George Vann then? A He was George Vann then and has been ever since.
- Q And he always went by the name of Vann? A As far as I know.
- Q You saw him down at Argenta? A Yes, sir.
- Q He was Constable? A He was an officer.
- Q You recognized him then? A Yes, sir.
- Q He went then by the name of George Vann? A Yes, sir.
- Q All the time? A Yes, sir.
- Q You never heard of him going by any other name except George Vann? A Never did.
- Q How long did you see him in Argenta; how many days were you there? A I saw him several days; I saw him about twice or three times when I was there.
- Q How many days did you see him in 1866 when you were there on that trip to see your mother? A I could not tell you, I was here for six or seven days and I saw him off and on all the time when I was there.
- Q Is there anything to impress that upon your mind and make you remember seeing him at that time? A Well I suppose there would be the fact we drank together.
- Q He was not a preacher then? A Not that I know of.
- Q Didn't you know of his preaching out around the country? A (No response.)
- Q Did you hear of his preaching out on this side at that time? A Or about the second term of Judge Parker's jurisdiction in Fort Smith I was on the Grand Jury and Mr. George Vann come out of the Choctaw Nation somewhere, maybe from Scullville, with about five persons, he come there with the Marshalls.
- Q Well, tell about the preaching, did you hear about him preaching at Fort Smith; they had disturbed him somewhere where he was holding a protracted meeting and he was a witness against them there in the Court in regard to this trouble they had raised; he was holding a protracted meeting.
- Q You remember him in 1866, because you drank with him? A Yes, sir.
- Q Do you remember every fellow you drank with down there in Fort Smith? A That is too big a mouthful.
- Q Well, do you remember every one? A I could not tell you.
- Q That is the only thing that impresses it upon your mind that he was there at that time? A I was there and saw him.
- Q Did you never see him over here in the Nation until about 15 years ago, until you moved here? A I saw him over in Fort Smith, I would be in Fort Smith and I would see him cross there.
- Q Where would he cross? A At the bridge.
- Q You would see him get in the boat and come across; when did you see him do that? A I saw him doing that in 1866, and I have seen him doing that oftentimes since.
- BY JOHN W. FAUNDS:
- Q You were a soldier during the war you saw; now, were you at any time during the war at Fort Smith in the capacity of a soldier? A I enlisted at Fort Smith.
- Q Did you ever drink with him there in Fort Smith during the war, did he ever give you liquor or sell you liquor or anything of that kind that you remember? A I have a faint recollection of that, but

I won't swear it.

Q You know you drank with him there in 1865 shortly after you were mustered out? A I know that.

Q Now, when you saw him in Argenta, how many times did you see him there in Argenta? A Several times, when I was there.

Q He may have been going by the name of McKamy without you knowing it?

(Attorney for Cherokee Nation objects to this question.)

Q I will ask you this question, will you swear that he was not called McKamy?

(Attorney for Cherokee Nation objects to this question.)

A I don't know it, sir; if he went by any other name, sir, I don't know it.

BY W.W. HASTINGS:

Q You knew him by the name of Vann? A Yes, sir; he was in and out of the Nation to Fort Smith, and backwards and forwards.

W.W. HASTINGS: I want to introduce at this time the records of the Commission to the Five Civilized Tribes as shown in Docket "A", page 44, No. 257, containing the following: "George W. Vann, et al.,

vs.

Cherokee Nation. Filed September 7th, 1896. Answer filed. Application denied."

Reference is made to the application of George W. Vann in the case above referred to, No. 257.

GEORGE W. VANN, having been sworn, testified as follows:

EXAMINATION BY W.W. HASTINGS:

Q Have you a son by the name of James? A Yes, sir.

Q Newton? A Yes, sir.

Q Daughter six by the name of Mary Jane? A Yes, sir.

Q One went by the name of John Jones? A No, sir; Jim Jones.

Q And one by John too? A Yes, sir.

Q And son by the name of Richard? A Yes, sir, that's my son.

Q Have you got a son by the name of John Vann? A Yes, sir.

Q Harrison? A Yes, sir.

Q And daughter by the name of Jane? A Yes, sir, Janie I call her.

BY COMMISSIONER BREVINTINE:

Q You made application to the Dawes Commission in 1896 in the case referred to for yourself and family? A I think I did, I won't be certain, it seems to me that I did in 1896.

Q 1896, four years ago? A Yes, sir; I think I did.

Q You were trying your rights as a Cherokee by blood? A Yes, sir.

Q Who were your lawyers? A Seems to me like J.P. Mullens, I won't be sure; that is my recollection.

BY JOHN F. FAULDS:

Q Now, Mr. Vann, you applied to be enrolled before the Kerns-Clifton Commission? A Yes, sir, was enrolled.

Q Now, at the trial of your application at that time did they, did the Cherokee Nation by their attorneys plead that your case had already been disposed of in 1878 on an application by you before the Chambers Court? A Yes, sir.

Q What I want to know, Mr. Vann, is this: if they didn't plead before this Kerns-Clifton Commission that you had already applied before this Chambers Commission, you understand away back in '78 or '80, and that you had been denied citizenship? A No (referring to W.W. Hastings) pled that.

Q And the case was tried? A Yes, sir.

Q And the case was decided in your favor? A Yes, sir.

Q And you were enrolled? A Yes, sir.

Q And you were enrolled? A Yes sir, paid the money.

JOHN F. FAULDS: Now calls the Defendant, George W. Vann by his Attorney, J.F. Faulds, and enters a plea of res adjudicata in this case, on the ground that the matter was fully gone into before the Kerns-Clifton Commission and the Cherokee Nation there pleaded that George W. Vann had, in 1878, appeared before the Chambers Commission to apply for citizenship



as a Cherokee Freedman and had been denied, and the Defendant says that this issue was settled by the Kerns-Clifton Commission in his favor and that said decision now becomes res adjudicata and said decision of the Kerns-Clifton Commission now becomes res adjudicata.

W. W. HASTINGS: Comes now the Cherokee Nation by its Attorneys and moves the Commission to enter judgment against the applicant, George W. Vann, for the reason that the records on file in the office of the Commission to the Five Civilized Tribes herein before referred to show that the said George W. Vann, for himself and family, applied to the Dawes Commission on September 5th, 1896, and the records show that said application was rejected; in every particular, and that said judgment was the last judgment that has been rendered in this case, which was under the Act of June 10th, 1896, and that the Commission had jurisdiction over said case and that inasmuch as no appeal was taken from the decision of the Commission that said decision of the Commission was final against the said George W. Vann and family and in favor of the Cherokee Nation.

COM'R FRECKINBRIDGE: It has been claimed so far that the record of the Commission in the proceeding of 1896 related to an Application made by George W. Vann for himself and family for admission to Cherokee citizenship as Cherokees by blood.

GEORGE W. VANN, re-called, further testified:

BY COM'RISSIONER FRECKINBRIDGE:

Q You claimed to have Cherokee blood in you as a matter of fact did you? A Yes, sir my mother is half negro and Cherokee.

Q Hartwell Houston and my mother are sisters; I am Cherokee by blood. Q Your mother was half negro and half Cherokee? A Yes, sir.

Q What was her mother? A Her mother was a negro woman and her Master was John Brown, was her daddy, my grand-daddy, full blooded negro.

Q Was your mother a slave or free woman? A No, sir, she was a free woman; after her Master set her free two children was born that was my mother and Hartwell Houston.

Q Your mother was free from a child? A Yes, sir.

Q And lived and died a free woman? A She had to take old Joe Vann for a Master or put me up on the block to sell and she acknowledged him and they taken jurisdiction over me just like any other negro.

Q Your mother was free born? A Yes, sir; that is how come me to apply as a free negro; they would not give it to me and I went back and they just made me to like these other negroes.

Q You were born in Tennessee, were you? A Yes, sir.

Q And when you left Tennessee you came to the Indian Territory?

A Came right here with the Indians in '38

Q So that all your life you claim two homes, one first in Tennessee and one afterwards in the Cherokee Nation, is that right?

A Yes, sir.

BY JOHN W. FAULDS:

Q What was the color of your father? A My father was full blood African, Joshua McKay told me that he come over here and mother was in Virginia and stayed here.

Q Now, what part of you is Indian blood? A From my mother.

Q She was half negro and half Cherokee Indian? A Yes, sir.

BY COM'RISSIONER FRECKINBRIDGE:

Q Your father was a slave was he? A No, sir; he come over here him and my grandfather on my father's side and six of them was sold and brought over here and they would not work; they said they would, well my father he didn't work and he would not do it and he went back to Africa.

Q How old were you when your father went back to Africa?

A About 15, I know well when he kissed me and my mother.

BY JOHN F. FAULDS:

Q Is there any white blood in you? A No, sir, there is Indian and negro.

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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 4th day of May, 1901.

(signed) C. R. Breckinridge,  
Commissioner.

D-115

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T. April 30, 1901.

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

Supplemental testimony.

Appearances:

For applicant: John F. Faulds, Esq.;

For Nation: W. W. Hastings and James S. Davenport.

Mr. Hastings: Let the record show that this witness is summoned on the part of the applicant, George W. Vann.

Mr. Faulds: This witness is recalled for the purpose of being cross examined on the part of the defendant; the witness is the witness for the Cherokee Nation; there is no question about that at all, that she can be called for cross examination with the permission of the Commission.

Annie Green, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Mrs. Green, you have made application yourself to be enrolled as a Cherokee Freedman, haven't you? A Yes, sir.

Q When did you make that application? A The time that census was taken that year.

Q That was some three or four years ago? A Yes, sir.

Q That did you claim to be at that time? A My name was Annie Price.

Q Did you claim as a Freedman or as an Indian by blood? A I claimed it by my daddy.

Q Who was that? A Mose Price.

Q I will ask you if you didn't swear when you applied for enrollment that your father was Dan Roach, this old man on the 'hind seat? A No, sir, never did.

Q I will ask you if you didn't swear when you applied for enrollment at that time that you had continuously resided in the Cherokee Nation ~~at that time~~ ever since you were born? A No, sir, I said this I said I was here in and out, and I went where I could get the best wages.

Q And didn't you swear that you had made this your home ever since you were born? A No, sir, I didn't.

Q You swore here yesterday that you had lived in Argenta nearly all your life? A Yes, sir, I said I had lived in Argenta.

Q Did you swear when you applied for enrollment that you had made the Cherokee Nation your home? A No, sir, I didn't, not altogether.

Q And didn't you go back after that and swear that your father was an Indian then? A I swore he was an Indian then, I saw that yet.

Q And you afterwards swore that your father was Dan Roach? A No, sir, I didn't, no, sir, never did.

Q Now you swore yesterday that you were married the first time in 1879? A Yes, sir, I was.

Q And you swear it now? A Yes, sir I do

Q I will ask you if you were not living in Argenta, Arkansas, somewhere in 1875 or 1876 and that you were married at that time and living with your husband? A I wasn't married till 1879.

Q You were living at that time with a man and holding him out as your husband? A No, sir, never lived with a man a day in my life until I married.

Q I will ask you if this man that I refer to wasn't shot through the door? A Are you trying to let me off for the crime, or old man Wann; that is what I want to know? If you will ask me anything proper I will answer that; that is all over with and I don't think it is called for.

Q You were charged with having murdered your husband? A Yes, sir, I murdered him in self defense and I was tried for it and I was acquitted by the Court.

Q But at the same time when you shot him you were in the room with your paramour; with another man? A No, sir.

Q You were in the room and he came there to see what you were doing and asked you to let him in and you wouldn't do it and you shot him through the door? A No, sir, that is not correct; they have got the record of it right there in Little Rock, and it don't claim any such thing.

Q Well, you shot him and killed him through the door? A He-indicating the applicant) couldn't have been there and here too, he said he has been here ever since 1860.

Q You had a man charged with raping your daughter over at Muskogee didn't you? A Well, have you got him on the docket too.

Mr. Daveport) I submit this is not proper in this case; I object to it as being improper; it is not cross examination, it does not refer to any matter that would affect this case.

Mr. Paulds: We have a right to show that she has been witnesses in all the courts of the land.

Commissioner: You have a right to submit anything I think pertaining to the credibility of the witness.

Q Did you have a man charged here with ravishing your daughter? A Yes, sir, I had a man arrested.

Q And he was acquitted? A Yes, sir, I don't know what they done with him.

Q He was turned loose? A I haven't seen him; I heard he was sent to the pen and then I heard he was acquitted.

Q Don't you know as a matter of fact that they didn't pay any attention to this charge you made and turned the man loose? A They paid attention to it enough to keep him in jail.

Q Why certainly, and you were kept in jail a long time on a charge of murder. A How long was I?

Q You know better than I do. A Well, you know so much about it maybe you know how long it was.

Q Isn't it a fact that the child you accused this man of ravishing was examined by a doctor and the doctor swore that the hymen was intact and that she had never been penetrated at all? A No, sir.

Q Didn't the doctor swear it? A No, sir, he didn't.

Q Well, you know he did, don't you? A No, sir.

MR. PAULDS: I will state here that I will object to you (addressing Mr. Hastings) and Mr. Daveport crossing the same witness.

Leah Brewer, being duly sworn by Commissioner Needles, testified as follows:

Mr. Paulds: Your name is Leah Brewer? A What is your post-office address? A Fort Gibson.

Q How old are you? A I am about 34 I guess, maybe a little more.

Q Do you know Annie Green, who testified here a moment ago? A I know her, got acquainted with her down to the barracks.

Q Do you know whether or not she applies for enrollment here three

or four or five years ago? A Yes, sir.  
Q I will ask you if she didn't swear at that time that her home had always been here in the Cherokee Nation?  
Mr. Hastings: I object to that, you haven't proved that this woman was present.

Q Were you here when she applied? A Yes, sir, I was here in Fort Gibson.  
Q Did you hear her give her evidence? A Yes, sir, I was here.  
Q Didn't she swear on that occasion that she had always made her home in the Cherokee Nation? A I think she did.  
Q Didn't she swear on that occasion that Dan Roach, this old gentleman sitting over here with the grey hair, that Dan Roach was her father? A She did say Dan Roach was her father, and then said another indian was her father.  
Q And then swore that an Indian was her father? A Yes, sir.  
Q At a different time? A Yes, sir.  
Q At one time she swore Dan Roach was her father? A She said Dan Roach was her father, and then she said an indian was her father, the indian was first, the indian was once and Dan Roach was once.  
Q She claimed to be a Cherokee by blood? A No, she claimed once, and she claimed Freedman once; I don't know what it was.  
Q She swore old Daniel was her father? A Yes, sir.  
Mr. Hastings: Uncle George was a witness for her too at the same time, this man right here? A I don't know anything about that.  
Q Were you present? A I heard her side.  
Q Were you present when she testified? A I was.  
Q Didn't George W. Vann, the applicant here, wasn't he one of her witnesses? A When she testified?

Q Yes, when she testified? A I didn't hear him testify.  
Q Don't you know whether or not he was a witness? A I heard hers, I didn't hear his.  
Q Answer yes or no; you didn't hear him? A No, sir, I heard her and left there.  
Q You didn't hear him? A No, sir, I didn't hear him, I just heard her testify.

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George W. Vann, recalled for additional cross examination, testified:

Mr. Hastings: Mr. Vann, do you know this witness, Annie Green, who has been a witness here against you? A I do.  
Q You knew her in Little Rock, or Argenta? A In Argenta I knew her, knew her mother, her mother lives there.  
Q Her mother lives there? A Or did.  
Q You knew her for a number of years? A No, sir.  
Q You lived there with only a short vacant space between you, didn't you? A Yes, about far as that house down there (indicating).  
Q And you lived there about ten or 12 years right there by then? A I did not.  
Q And you left there about 1877? A I did not.  
Q Was she an applicant for citizenship before the Kerns-Clifton Commission, this Annie Green? A Might have been.  
Q And you were her witness? A I don't know, sir, don't know anything about it.  
Q Are you willing to swear now you were not her witness? A Might have been.  
Q Were you a witness? A I, am not going to try, I don't know whether I was or not; if you can, show it.  
Q Were you or were you not? A I don't know, I don't recollect.  
Q Do you know who her father was? A I know that she has always said her father was an Indian.  
Q Well, what was his name? A I don't know.  
Q What was her mother's name? A Yarbrough, was what they always called her.  
Q How long have you known her mother? A About the same time I knowed her, first known them in Argenta.

Q How long ago? A I went there from here in the Brooks and Baxter war, and Powell Clayton came up and collected about thirty or forty niggers to go into the Brooks and Baxter war, the two Governors was fighting, the Republican and Democratic, and I went there then.

Q How long did you remain there? A I remained there in the service at the barracks about two months, then George Hughes died right across in Argenta and I was appointed by Governor Hadley to fill out time as constable and stayed there six months and I came here and a white man was elected for constable and I never was a Justice of the peace.

Q You lived there about six months? A No, sir, I stayed there more, I stayed in the garrison about two months, and I got out and George Hughes, the constable died, and Governor Hadley appointed me constable until that time expired, and I stayed there six months and that made about eight months.

Q What is all you ever stayed in Argenta? A Yes, sir.

Q You didn't run for the office of constable and was elected? A No, sir, never.

Q Did you see a man named Tom Alexander that I asked to step out of the room? A I don't know, the record can be shown at Little Rock.

Q You don't know this fellow Alexander that I spoke of, that stepped out of the room? A No, sir, I don't know who it is.

Q You haven't seen him here this morning? A No, sir, I haven't.

Q Tom Alexander, lived down in Sequoyah a while and has moved up to Tablequah? A No, sir, I don't know him.

Q Didn't you swear who was this woman's father five years ago? A Yarbrough.

Q Didn't you swear at that time that her father was named Dave Holt? A No, sir, I didn't do it, I might have said that is the way I understood it.

Q Didn't you swear you knew him? A Yes, sir, and do know Dave Holt.

Q Didn't you swear Dave Holt was her father, and he was an indian? A No, sir, I don't know he was her father.

Q Didn't you swear it five years ago? A No, sir, I didn't know it, how could I swear he was her father.

Q Did you swear she lived in the Bickle place? A No, sir, it was the Bell place.

Mr. Faulds: I object, as there is no intention of contradicting the witness; if you will say on your reputation as a lawyer that you expect to prove these facts, I will withdraw the objection.

Mr. Hastings: It is a question of the admissibility of testimony; yes, sir, I propose to prove it.

Q Didn't you swear that you knew her mother over 50 or 55 years? A No, sir, I didn't, because I didn't.

Q Didn't you swear that Dave Holt lived on Skin Bayou? A No, sir, I didn't, because he didn't live there, he lived in Sequoyah and not on Skin Bayou, he was living on Skin Bayou, but not on any of it.

Q Didn't you swear this woman was named Anderson before she married? A No, sir, Yarbrough was her name.

Q Do you not now swear whether or not you testified for her in 1896 before the Kerns-Clifton Commission?

Mr. Faulds: I object to this question, as it has already been asked.

A I don't know as I did, I don't remember.

Mr. Faulds: You were a constable you say for only six months in Argenta? A Yes.

Q You have heard the evidence of this witness that you resided there for a certain length of time; you say you resided there for only eight months? A I was there two months down there in the barracks, and orders came in of the blue coats the morning when we commenced fighting, and said if we didn't dispose of them there we would be arrested.

- Q You recollect about when you went there to Argenta? A I do.
- Q When? A I went there between 1874 and 1875.
- Q And remained there eight months? A I remained in the garrison two months and then George Hughes died, a white man, in Argenta, and I was appointed constable.
- Q Did you ever run for Justice of the Peace or act as Justice of the Peace? A Never in the world.
- Q How at the time you were living, there was this woman married or living with a man whom she held out as her husband? A Yes, sir.
- Q Right close to where you were living? A Yes, sir, and she swore she did to and I say so too.
- Q This man she was living with as her husband was the man she killed? A Yes, sir.
- Q And you arrested her for it? A Well, let me tell it just as it is; I lived right close to her, and there was a church right here and her husband got dressed up to go to church with me and two of my deputy constables, my deputies and me went on and she stopped, and said to him, I don't believe I will go, I don't feel well, and we got about a quarter of a mile, and he said 'McKany, it is my notion there is something wrong at my house,' and I said, 'what is it,' and he said, I don't feel right, I am going back,' and I hear a gun fired, and I was a constable and had four white deputies under me and four niggers, and I broke back, and when I got back I heard a man groaning and her husband was lying at the door, and this woman was at the door and he could talk, and I asked him what is the matter, and he says 'I am shot,' and I asked him where is his wife, and he says in the house, and I broke the door and she and a man was in there wither; and I arrested her and arrested him, and I can prove it.
- Q This man that was in there wasn't her husband? A No, sir, and I said, 'did you shoot that man,' and she says, 'I done it,' and I said, 'well what did you do it for'; 'I thought it was a burglar,' and I says, 'You know your husband's voice; 'I thought it was a burglar, this man dian't shoot him, I shot him.' I arrested them both, took them before a white justice of the peace, she was bound over and stayed in jail I don't know how many days, and after a while a man, a lawyer, one of the first congress members there, she had a little money and he was working on the Cairo & Fulton iron works, she hired Will Terrell, the congress member, to defend her, and they worked on that case fully half a year and she got out, and I didn't see her again and I saw her in Fort Smith.
- Q Then was that? A That was in 1876, I saw her in Fort Smith, she was single, she married a negro there working in a wholesale store named Green, she is with now; she stayed there about a year and came over to Dr. Bell's place on this side the river and when she left there I never saw her until I saw her here now; and I never have acted as Justice of the Peace.
- Mr. Hastings: Was this man a member of congress at that time, that lawyer, Will Terrell? A I don't know, but I know he has been since.
- Q Was he then? A I tell you I don't know.
- Q How did you come to leave Arkansas; you left there between the wars, didn't you? A No, sir, what did I leave there for?
- Q Didn't your son get into trouble with a woman? A No, sir.
- Q And dian't you shoot at her through a door? A No, sir, never.
- Q You never shot at any woman? A Yes, I did.
- Q Then you left too immediately? A No, sir I didn't, I stood my ground and came clear. I shot her, she busted a cap at my and run off and shot at me because her boy had went out in the field and tried to get my boy to let him plough a big horse of mine named Nig that nobody could go to him, and as soon as he got to him he goes after his mother, and she whipped him, Mallie Phillip is the woman there, and I came to the butcher pen and I was a constable, and her boy there when my boy says you can't plough him, he picked up a piece of brick and hit him, and she was up to the butcher shop and I shot her.
- Q In what year were you tried? A I was tried in I think about

Q In what year were you tried? A I was tried in I think about sixty, about '70, I think that is about the time I was tried.

Q You stayed there until you were tried? A Yes, sir.

Q Was that up before Court, or was it before the grand jury? A No sir, went before Court and tried before a jury and came clear and because she shot at me.

Q And the woman's name was 'ollie Phillipps? A Yes, sir, and I shot her.

Q Was that tried in Argenta? A Yes, sir, and then when they went over into Little Rock before the Governor, or Judge, you might call him, Judge Butler, I was tried there and came clear.

Q Mr. Paulds: How you were a constable at the time this shooting took place? A Yes, sir, she shot at me and broke a cap, and jerked it out at the butcher pen and saw her and know her and shot her in the groin, shot her right below the groin.

Q Did you kill her? A No, sir.

Charles Robinson, being duly sworn by Commissioner Needles, testified on behalf of applicant as follows:

Q Mr. Paulds: Mr. Robinson, how old are you? A I guess I am about 58 years old.

Q What is your post office address? A I aint got no post office.

Q Where does your wife get her mail? A The last mail she got, she got it over here to - I don't know what is the name of the place out here on the road; that post office was burned down and she hasn't got any mail for a year.

Q You know Joe Bruner? A Yes, sir, I been knowing Joe Bruner for about two, three years.

Q Do you know his general reputation in the community where he lives for truth and veracity? A I know that it is not very good.

Commissioner: The question is do you know it; say yes or no. A Yes, sir, I know part of it.

Q Mr. Paulds: Didn't you say here before you knew his reputation? Let me explain; you live within two or three miles of him and I want to know -

A His reputation is bad down there

Commissioner: Do you know his reputation? A Yes, sir, I know some of it.

Q Mr. Paulds: A man's reputation for truth and veracity consists in what people say of him, as to whether he is a truthful man or an untruthful man; now I ask you the question whether or not you are acquainted with his general reputation for truth and veracity in the community in which he lives? A Yes, sir, it is not good.

Q Answer yes or no? A No, it is not good.

Q Answer whether or not you know the reputation? A Yes, sir, I know it is not good.

Q Is it good or bad? A It is bad.

Q Mr. Hastings: He is a witness against your wife here in her application for enrollment? A I don't know the first time I ever saw him I don't know whether he is or not.

Q Didn't you come up here to testify against something he testified in your wife's case? A I came to tell something he told a story about.

Q Was he a witness in your wife's case? A No, sir, he was a witness in my daughter's, and he said he didn't see her in the Nation and he tried to court her in the Nation.

Q How do you know he said that? A Because my daughter told me he said so.

Q Then he must have been a witness in her case? A I said my daughter, you said my wife.

Q Who did you ever hear say Joe Bruner's reputation was bad?

A Here is one witness right here.

Q Who, George Vann? A Yes, sir, I can get several more.

Q Well, who? A There is one out doors.

Q What is his name? A Tom Davis, old man Tom, that is his name.

Q When did you hear him say that? A I heard him say so dozens of times.

Q When was that? A I have heard him say so lots of times.  
Q Well, name one day? A Lots of the rest of them will say so.  
Q Who else did you hear say anything about it? A I can call the names of different men.  
Q Well, name one of them? A Well, there is not over five or six.  
Commissioner: You don't recall anybody. (No response.)  
Q This man is a witness against George Vann? A I don't know, sir, anything about that.  
Q You heard Vann say so? A No, sir, I don't know what he said or nothing at all.

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Daniel Roach, being duly sworn by Commissioner Needles, testified as follows:  
Mr. Faulds: Do you know Annie Green who testified here? A Yes, sir.  
Q Was she your daughter? A No, sir.  
Mr. Hastings: Did she ever claim to be your daughter? A Not to me, she claimed to be a daughter of a Price, Rose Price was my master, now he is the man raised me.  
Q She never claimed to be your daughter? A No, sir, she claimed Price.  
Q Did she claim that five years ago, before the Kerns-Clifton Commission? A Not to my knowledge.  
Q Did you ever go to Tahlequah to look it up? A Yes, sir, I saw the woman right here and I went to Tahlequah to look it up and I went to Mr. Benge, old man Benge; my master was her father, used to be my master.  
Mr. Faulds: Did you hear her testify when she made application to be enrolled at the time of the Kerns-Clifton roll? A I don't recollect it.  
Q You don't know whether or not she swore you were her father? A No, sir.  
Q Did you ever hear she claimed you were her father? A Some of the children; I had a daughter just about her color and her size, and when they would be going to church they would be walking together and the children said look fonder, they must be daughters of Daniel Roach, they are both just alike, and it came up from that.  
Mr. Hastings: You never heard her claim it? A No, sir, I never heard it.  
Mr. Faulds: You heard that she said it? A Yes, sir, just told around.  
Q You heard that Annie Green claimed to be your daughter? A Yes, sir, after the children said it was, she said yes I am, or something that way; that is about the way I understood it.

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Thomas Alexander, being duly sworn by Commissioner Needles, testified on behalf of the Cherokee Nation as follows:  
Q What is your name? A Thomas Alexander.  
Q How old are you Tom? A About 50.  
Q Do you know where you were born? A Born in Huntsville, Ala.; raised up in Nashville, Tennessee.  
Q Did you ever live in Arkansas? A Yes, sir.  
Q Ever live in Little Rock? A Yes, sir.  
Q When did you live there? A I left there in 1885, as near as I can come to.  
Q About when did you move to Little Rock? A I came there in 1877.  
Q You came to Little Rock in 1877? A Lets see if I am right; no, sir, I came there in 1870, that is correct.  
Q Do you know this applicant here, this man? A I don't know, sir, I have been seeing him about.  
Commissioner: Do you know him? A Yes, sir, I know him, George Vann.  
Mr. Hastings: Did you know him in Sequoyah District? A Yes, sir.  
Q Do you live in Sequoyah down there? A Yes, sir, that is where I came to in 1885.  
Q Did you ever know him before that time? A I saw him down to



Little Rock, a constable in Argenta, on the Argenta side.

Q That is just across the river from Little Rock? A Yes, sir, north I think.

Q Now about when did you first know him in Argenta or Little Rock? A Well, I don't know, as near as I can come at it, I think it was about 1874, that I saw him there, a constable, if I make no mistake.

Q About how long did you know him down there? A I know that he was a constable, I think, if I make no mistake, two years, or somewhere in the bounds, but he didn't serve his time out; I don't think he served his time out because I make no mistake a man taken his place by the name of Gladney.

Q About how long did you know him there, two years?

A Mr. Faulds: I object to the question as leading.

Q How long did you know him in Little Roack or Argenta? A I have known him, I guess, I will have to say about two years.

Q Did he have a family there then? A Yes, sir.

Q Lived there? A Yes, sir.

Q Do you know when he left there? A Well he left there sometime unbeknown to me; when I found out, he had done left there, done gone, he was but his family hadn't.

Q About when did you miss him to the best of your knowledge? A Well, now I think he remained a constable to the best of my knowledge close to two years, and left there, and when I heard of him again he was gone, I don't know as I knew he was gone then except I saw Mr. Gladney riding in his post.

Q The next time you saw him in the Cherokee Nation? A Yes, sir.

Q What was he known by down there? A I always heard him called "McKamy", I don't know whether it was a nick-name or what it was; that was his name, McKamy.

Q You saw him down in Sequoyah district and his name was Vann down there? A Yes, sir.

Q Did you ever talk to him up there about his being in Little Rock? A Yes, sir, he has talked to me about it; asked me if I didn't know him, about his being constable down there.

Q Did he ever talk to you about his whereabouts before going to Little Rock, or Argenta? A Yes, sir, he told me about being at Pine Bluff and Memphis, before now.

Q He didn't state how long he had been there, or what his business was there? A He said he had lived there a while.

Q Mr. Faulds: You lived in Argenta from 1870 to 1885? A No, sir, I never have lived in Argenta.

Q Well, Little Rock? A Yes, sir.

Q Argenta is a suburb of Little Rock? A Yes, sir, it is a suburb I guess.

Q And during the time that you knew Vann there he was a constable wasn't he? A Well, that is about the first I knew of him, about him running for a constable.

Q Now don't you know as a matter of fact that he never did run for a constable, that he was appointed as a constable to fill out the time of a man who had died? A No, sir, I never heard about it.

Q But still you can't deny it? A I does deny it, I don't know nothing at all about that.

Q Didn't you say here a moment ago that he didn't fill out the time; didn't you state that just now in your evidence in chief, that George Vann didn't fill out his time? A Maybe he didn't quite fill it out, maybe he had to go away from there before he had filled it out.

Q Just answer my question please. I am not asking you about other things; we will come to that in time. How are constables elected back in Arkansas? A I don't know, sir, I can't say for certain, but I knew he remained there in that settlement for constable two years and started on a second term, if you want the truth about it, but he didn't serve his second term out, he had to go away.

Q What for? A I can't say for certain, only I heard he had to

go away from there about shooting at a widow woman in a door, and no other thing was getting away with some money; I don't know, all I know I have heard.

Q Do you know anything about it? A No, sir, I don't know anything about it, but that is the talk.

Q You were not there? A No, sir, of course you know I couldn't have been there if he was constable.

Q Do you know as a matter of fact whether he ever did run for constable in that district? A He tried at one time, he tried to run for constable if he didn't run.

Q Answer me whether he run for constable? A Yes, sir, he run for constable.

Q You swear that? A Yes, sir.

Q Did you vote for him? A No, sir, I didn't.

Q Do you know anybody did vote for him? A No, sir, I don't know who voted for him.

Q Do you know whether anybody voted for him? A Somebody voted for him, else he wouldn't have been elected.

Q And you know he actually run there for constable? A Yes, sir,

Q Know that of your own knowledge? A Yes, sir.

Q Tell me why you know it? A If a man gets on a ticket to run for constable like I see I guess he has to have tickets to run on.

Q Did he have tickets to run on? A I wasn't in his jurisdiction.

Q You didn't see any tickets with his name on them? A Yes, sir, I did.

Q Was ~~his~~ name was on it? A ~~Yes~~.

Q What else was on it? A George McKamy.

Q What year was that in? A I don't know what year that was in, it was along about the time I told you it was.

Q To run against him? A That I don't know, who run against him.

Q You don't know who run against him? A No, sir.

Q You don't know whether he was elected? A He was elected once I know.

Q Might it not have been that he was appointed to fill out the place of a man who died there? A I don't know anything about that, I am at the first of that, I never heard of that; if it is ~~that~~ that way.

Q Can you remember the first time you saw him in Argenta, the year? A I am not going to specify the specified year I saw him there in; I am not going to specify what certain year, because I might be mistaken in it, but I know he was there and run for constable two years and entered on a second term and never filled it out.

Q Do you know what year he left there? A No, sir, I don't know that.

Q You don't know the year he started to act as constable and you don't know the year he left there, do you; now answer me my question, you don't know when he started to act as constable and you don't know when he quit acting as constable, do you? A I don't know any thing about when he quit, I don't know when he left there; he left when I didn't know it; I ~~don't know~~ he was gone when I found it out.

Q And he had been gone a long time when you found out he had been gone? A Not more than a month or two.

Q Do you know what year he started to act as constable or what year he quit acting as constable; you have already sworn you didn't know what year he started to act as constable; didn't you swear that?

A He acted as constable there '74 or '75 along there, but I will not specify for certain what year; I can't say what year for certain.

Q It was in '74 or '75? A Right along in '75 or '75.

Q When did he leave there? A And he left there, seems if I make no mistake, he left there in 1877, I think it was, since I can't think about it, if I make no mistake, somewhere along there.

Q Do you know it? A He left there in 1877 or 75, somewhere along there, as near as I can recollect.

Q But you didn't recollect? A I don't recollect exactly.

Q Might it not have been in 1875 he left there; now you are on

your oath? A I know I am under oath; he didn't leave there that year.

Q He might have left there in 1875? A He didn't leave there in 1875; he was there in 1875.

Q He came there in 1874 or 1875, didn't he? A No, sir, I didn't say he came there; I can't know when he came there; no, sir;

Q Didn't you say he started to act as constable in 1874 or '75?

A Yes, sir, I said that, but I didn't say he came there in that time.

Q And he left there in 1876 or '77? A Yes, sir, left there right along in one of the years, I will not say positive which.

Q Did you ever know of him acting as Justice of the Peace over there? A No, sir, I never heard of that.

Q Well, will you swear he didn't act as Justice of the Peace while he was there? A I swear he didn't to my knowledge.

Q And if he had done it you would know it? A I don't know, I think I would.

Q You saw him walking around the streets with his badge on? A I never saw him act as any justice of the peace, never heard of it before; he acted as a constable, riding around summoning people and making arrests, but didn't look like a justice of the peace to me.

Q Are you a Cherokee Freedman? A No, sir, I am a state man.

Q You have no right here at all? A Not a bit.

Q How long have you lived here? A I came here in 1865.

Q Been living here ever since? A Yes sir.

Q You have been living with one of George Vann's children some of that time, haven't you? A Yes, sir.

Q How long? A About a year.

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

Q Did you quit her or she quit you? A There was quitting doings.

Q She quit her you didn't she? A Oh, yes, she quit me.

Q Then it was mutual? A Yes, it was mutual, that is what it was.

Q Which daughter was that, Mary Jane? A Mary Jane; I guess you ask me that much, you ought to ask me about some of his sons down there in Little Rock now; they haven't left there yet.

Q Have you got any sons in Little Rock? A I didn't say me, I said Mr. Vann, or McKany, or whatever they call him.

Q You have never been charged with any crime? A Yes, sir, I was charged with the crime and came clear of it.

Q What were you charged with? A I was charged with burning a house and was acquitted for it in the Commissioner's Court.

Q Is that all you were charged with? A That is all I ever knew of.

Q You were charged with rape once? A Never heard of that before; no, sir, never heard of it before; I am at the first of that; I told you what I have done; no, sir, I never was.

Q You have committed rape lots of times, haven't you?

Commissioner: You need not answer that question.

Mr. Faulds: Were not you charged with burning this Vann house because she wouldn't stay with you? A Yes, sir, I was charged with doing that but I didn't do it and if I had done it it would have been proved on me.

Mr. Hastings: They tried you and you came clear? A Yes, sir, and you can ask him about it.

Mr. Faulds: You lived there in Little Rock continuously from 1870 to 1865? A Yes, sir.

Mr. Hastings: You lived with this daughter, Mary Jane, a while? A Yes, sir.

Q About how old is Mary Jane now? A According to what I would call her I guess she is about 35 or 40.

Q Did she ever tell you about anything where she came from before she married you? A Yes, sir.

Mr. Faulds: I object to that as hearsay.

Commissioner: I don't think that is pertinent.

Mr. Hastings: The question of whether or not she told him of her whereabouts prior to their marriage he can answer by saying yes or not; how that is not telling any hearsay as

what she said, except to say whether she told him or not, and then the next question perhaps would be objected to by the attorney on the ground it was hearsay, but now our first point is that this ought to be answered as to whether or not she ever told him; that is not hearsay; he might object as to what she did tell him afterwards, but that is a second question, and this is only leading up to it.

Mr. Hastings: No go ahead and make a statement of all Mary Jane said about her whereabouts as far as you know, prior to her marriage.

Mr. Faulds: I object to that.

Mr. Hastings: I want to call your attention to this point, that when Charlie Robinson was on the stand in his case, not five or ten minutes ago, the questions were then asked him by this same attorney, the question was asked him as to the whereabouts of his wife, and who she belonged to. The question was then objected to, and this same Court ruled in that case that inasmuch as there has been more or less latitude allowed about it, that hearsay upon what question was admissible, and it was allowed to be testified to as that time by that man, who she belonged to, when he didn't claim to know her before the war at all, but who she said she belonged to before the war, which was clearly a declaration in interest and this is a declaration against interest. It is a matter of family history and in our judgment clearly admissible in this case.

Mr. Faulds: My learned friend is entirely mistaken when he says that any such testimony was objected to in this case. Charlie Robinson was called in this case to prove the reputation of Joe Bruner, and as your honor knows, that is an exception to the rule and you can prove reputation by hearsay evidence, but we never offered any evidence at all as to what had been said by this person and that person. Now then the proposition to offer in evidence what this man's daughter had told this man with whom she lived, not even her husband. Now there is a rule which requires the best evidence to be given. What is the best evidence. The testimony of Mary Jane Vann herself; that is the best evidence. Let them call her, swear her, ask her the question where were you living, where was George Vann living? that is the best evidence, that is the original evidence, and hearsay evidence against interest is never admissible when you can get the original, the best evidence. Would not be admissible under any circumstances because the parties are not in any respect whatever identified in interest.

Commissioner: Well, that might have been proper at that time. The objection wasn't strenuously urged by the Counsel. This testimony it appears to me is not relevant at all, and is not a proper question. This woman is alive. I don't think it very material in either event.

Mr. Hastings: Comes now the representative of the Cherokee Nation and except to the rulings of the Commission in the above case.

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Thomas Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Thomas Bell? A Yes, sir.

Q And your post-office is what? A Dora.

Q Indian Territory? A Arkansas; near the line.

Q How old are you? A I don't know, over 68 or 69.

Q I will ask you if you are acquainted with Joe Bruner? A A little, yes, sir.

Q Do you know his general reputation for truth and veracity in the community where he resides; what the people say? A Yes, sir.

Mr. Hastings: How far do you live from Joe Bruner? A As near as I can study and think, it must be about five or six miles.

Q Do you say you know his reputation in the community in which he lives? A I don't know it, no more than what I hear.

Q. Do you know it in the community in which he lives? A. No, sir, I don't know it, but I hear it.

Mr. Faulds: Reputation, you understand Mr. Bell, is what the people say of Mr. Bruner, it is not what you know. A. In his settlement?

Q. Yes, in his settlement, among people with whom he is acquainted, and whom he associated with. I want to know what his reputation for truth and veracity is among those people; do you know it? A. Yes, sir.

Q. Now is that reputation good or bad? A. Bad.

Mr. Faulds: Of course the Commission understands that we have a great many witnesses we have not brought, that we intend to bring up at Muskogee, but we haven't any more here.

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

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th of May, 1911.

(signed) C. R. Breckinridge.  
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 February 11th, 1902.

*[Signature]*  
Commissioner.

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

In the matter of the application of Elmira Wiggins for the enrollment of herself and two children as Cherokee Freedmen.  
Elmira Wiggins, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Elmira Wiggins.  
Q How old are you? A 30 years old.  
Q What is your post office? A Seno, I. T.  
Q What district do you live in? A Down in Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Well, I don't know whether I enrolled or not.  
Q Do you want to be enrolled now? A Yes, sir.  
Q Have you ever been recognized by the Cherokee Nation as a Freedman? A Yes, sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir, I reckon so, I draw twice.  
Q When did you draw? A I don't know what you call it, the Clifton and something.  
Q Did you draw your Clifton and Wallace money? A Yes, sir.  
Q Who do you want to enroll besides yourself? A I have two children.  
Q What are the names of the children? A Alberta Wiggins.  
Q How old is she? A She is 10 years and the boy is 6.  
Q What is his name? A Herbert.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Kenonon Wiggins.  
Q Is he a Cherokee Freedman? A No, sir, he is a state man.  
Q What is your father's name? A James Vann.  
Q Is he living? A No, sir, he is dead.  
Q Was he a Cherokee Freedman? A Yes, sir.  
Q What is your mother's name? A Harriett Peters, she was a state woman.  
Q Was her name Vann when you were born? A I heard him say she was Harriett Peters; she is bound to have been Vann if she was married to him.  
Q Is she living? A I don't know, sir, I don't reckon she is.  
Q Where were you born? A In five miles of Fort Smith.  
Q In the Cherokee Nation? A In the Choctaw Nation.  
Q Were you born a slave? A Well, I am 30 years old, you know about it, I was very young.  
Q Where have you lived all your life? A Well ever in Fort Smith a while and in the Cherokee Nation, made crops all around; I am living in my own home now there with my grandfather.  
Q Where? A At Sequoyah in the lower part.  
A. S. McKee, attorney for applicant: Have you lived continuously in the Cherokee Nation? A Yes, sir.  
Q Were your father and mother slaves? A My mother was, my father wasn't.  
Q I asked you if they were slaves? A Yes, sir, he was a slave.  
Q Have you any recollection of your parents at all? A I am bound to have some recollection; there is my grandfather sitting there.  
Q I am asking you if you have any recollection of your parents?  
A My father he died, and my mother; I was just raised up kinder as orphan, she wasn't around at all.  
Q I asked you if you have any recollection of your father and mother; do you know anything about them? A No, sir, I can't tell nothing about them much.  
Q Who had the care of you, who raised you? A My grandfather.  
Q Your knowledge of your father and mother is all what your grandfather has told you, is it? A Yes, sir.  
Q Where are you living now? A Living three miles of

Elmira Wiggins - 8.

Cherokee.

Q Live in the Cherokee Nation, do you? A Yes, sir.

Q Lived there all your life? A Yes, sir.

Commissioner: What is your grandfather's name? A George W. Vann.

Mr. J.S. Davenport, attorney for Cherokee Nation: Do you claim your right through your father or your mother? A Through my father; my grandfather says my mother was a state woman.

Q You don't know anything about your mother? A Not much.

Mr. Davenport: We desire to make a cross reference to the George W. Vann case.

Commissioner

George W. Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is George W. Vann? A Yes, sir.

Q You are 87 years of age? A Going on that.

Q Your post office is Benge? A Yes, sir.

Q Do you know the applicant here, Elmira Wiggins? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A My son, James Vann.

Q Did you know her mother? A She was a state woman.

Q Was James Vann a citizen, a freedman? A I don't know, sir, he drew money twice.

Q Was he a slave? Q Why of course he was a slave, his slave of Jim Vann same as I was.

Q Was he ever married to Harriett? A Yes, sir.

Q How do you know that? A Because I saw it.

Q You saw them married? A Yes, sir.

Q Is James Vann living? A No, sir.

Q Is Harriett living? A No, sir, not that I know of.

Q Did they live together until they died? A Yes, sir.

Q This child was born while they were living in wedlock? A Yes, sir.

Elmira.

Q Where was Elmira born? A She was born right about three miles from old Mrs. Franklin's place.

Q Was she born in the Choctaw Nation or the Cherokee Nation? A In the ~~Choctaw~~ Cherokee.

Q Has she always lived in the Cherokee Nation? A Yes, sir, she has been over to Fort Smith and she has been living in and out sometimes right across the river.

Q When did James Vann return to the Cherokee Nation after the war?

A He never went out.

Q Always lived in the Cherokee Nation? A Yes, sir.

Q Is his name on any of the rolls? A Yes, sir, on the Wallace roll and the Clifton roll.

Q His name is not on the 1880 roll? A No, sir.

Q Do you know the reason why? A No, sir, the same reason I am not, they had me on once and they rubbed it off.

Q You are the father of James Vann? A Yes, sir.

Elmira Wiggins, recalled, testified:

Q Were you ever married before you married Wiggins? A No, sir, never was married before in my life.

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

The 1898 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Key-Clifton roll examined, and the applicant, Elmira Wiggins, identified thereon, page 180, No. 3081, Bequoyah district, as Alta Barry; note on roll says "Alta Maria Vann on Wallace roll;" appears on roll as child of James Vann.

Q Did you draw for Alberta when you drew your girls money? A Yes, sir, I drew for two children.

Elmira Wiggins - 3.

Commissioner Needles: Elmira Wiggins applies for the enrollment of herself and two children, Alberta and Herbert. Her name is ~~xxxxxx~~ not found on any of the rolls of the Cherokee Nation except the Kerns-Clifton roll. She avers that she is the child of James and Harriett Vann, and was married to one Kenchon Wiggins, a non citizen. The testimony shown that James Vann was married to Harriett Vann, and that she, Harriett, was a non citizen. The applicant claims her right to citizenship as a Cherokee Freedman through her father, James Vann. The name of James Vann is not found upon any of the rolls of the Cherokee Nation, except the Kerns Clifton roll, page 160, No. 3950, Sequoyah district. She is duly identified and makes satisfactory proof of residence. By reason of the testimony, the name of Elmira Wiggins and her two children, Alberta and Herbert, will be placed upon a doubtful card for the further consideration of the Commission. It will be necessary for the applicant to file satisfactory proof of the birth of said children, their names not appearing upon any rolls, so they can be identified.

Reference is made to the testimony of George W. Vann, the grandfather of the applicant, and the father of James Vann, Cherokee Freedman Card D115.

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

Bruce C. Jones

Sworn to and subscribed before me this the 25th of April, 1901.



Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 12, 1901.

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

Testimony introduced on behalf of the Cherokee Nation.

Apparances:

J. S. Pauls, attorney for applicants;  
V. W. Hastings and J. A. Davenport, of counsel for  
Cherokee Nation.

Mr. Pauls: Applicant objects to any testimony being  
offered against him, on the ground of insufficient notice,  
notice being served on me yesterday.

Commission: The Cherokee Nation make satisfactory proof  
of service of notice on the said George W. Vann, that notice  
would be taken in behalf of the Cherokee Nation in the  
matter of his application for enrollment as a Cherokee Freedman,  
at Fort Gibson, Indian Territory, on the 12th day of September,  
1901. The said George W. Vann has been called three times  
and does not respond. It is further stated that the said  
George W. Vann was about the office of the Commission during  
the forenoon.

JOHN BYNUM, appearing before the Commission and being duly  
sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A. John Bynum, J. S. Bynum, I am 54 years of age, going on 55.

Q. Your residence? A. Residence, North Little Rock.

Q. By what name was the town in which you live now known prior to  
its being known as North Little Rock? A. Argenta.

Q. How long have you resided in Argenta, or North Little Rock as it  
is now called? A. Since '85.

Q. Did you ever know a colored man in Argenta, who went by the name  
of George W. McKany? A. Yes, sir.

Q. About when did you first get acquainted with him, giving the  
year as near as you can? A. Well, as near as I can commit to memory,  
it must have been about '75 or '4 when I first knew McKany there.

Q. Did he occupy any official position while he was in Argenta?

A. Yes, sir, he used to be constable there.

Q. Did you get acquainted with him before he was a constable or  
after he was constable? A. I got acquainted with him before he was  
a constable, but more after he became constable; that is, I saw him  
after he was a constable; I never had much to do with him; after he  
became a constable he came before me more.

Q. Do you know whether or not he had a family in Argenta? A. Yes,  
sir.

Q. About how many did his family consist of, if you know, please?

A. I really sir don't know, I am satisfied he had a wife and I think  
there was some three or four children, I want be positive about that.

Q. Had he any boys in the family that you know of? A. Yes, sir.

Q. Do you remember any of their names? A. One of them was named  
James, and the other one, I know his name but I just can't think of it.

Q. Since you became acquainted with McKany, have you known this

boy James? A Yes, sir.

Q Where has he been living since you first knew McKamy? A James run away from Argenta.

Mr. Faulds: I object to this. What has it got to do with George W. Vann?

Commission: The objection will be noted; let him answer the question.

A James run away from McKamy, I suppose 20 years ago, maybe longer, he run away from there, and he came back here --

Q Came back where? A Back to Argenta, about a year ago, or maybe more, that I first seed him being there.

Q Is he living in Argenta or North Little Rock now? A Yes, sir, he is living there.

Q Was you living in Argenta when what was known as the Brooks-Baxter war came up? A Yes, sir.

Q You remember about what year that was? A It was either '74 or '75, I disremember which year it first started.

Q Had George W. McKamy been constable in the town of Argenta before the Brooks-Baxter war? A Yes, sir.

Q Do you remember how about how long? A No, sir, I don't just exactly remember how long he was constable before that came up.

Q Do you know whether or not he was living in Argenta when the Brooks-Baxter war came up? A Yes, sir, he was there when it came on.

Q About how long did he continue to live there after the Brooks-Baxter war, to the best of your knowledge? A Well, I don't know sir just exactly how long it was after that before he left there, I just don't commit to memory just exactly how long it was and what time he did leave there.

Q About how many years do you think he lived in Argenta? A He must have stayed there some three or four years anyhow to my knowledge, if not longer.

Q Do you remember what the name of the township that Argenta was in at that time; in your county you have townships where constables have jurisdiction; do you remember the name of your township?

A I think it was Eastman.

Q You have a township and have a constable and deputy constable?

A Yes, sir.

Q Was that Eastman township? A Yes, sir, I am mighty near certain.

Q Have you seen the man George W. McKamy since you have been to this place? A Yes, sir.

Q Was the same man constable there prior to the Brooks-Baxter war?

A Yes, sir.

Q And the same man that acted there as constable? A Yes, sir.

Q You are quite sure he was acting as constable before the breaking out of the Brooks-Baxter war? A Yes, sir.

Mr. Faulds: Don't lead the witness that way.

Q Do you know whether or not he goes by the name of George W. McKamy here? A Well, I heard they call him George something else, Vann or something like that, here; I hear them call him that here.

Q Did he ever go by that name when he was living in Argenta?

A No, sir, he always went by the name of G. W. McKamy.

Q Did you live in Argenta when a certain colored woman known as Annie Greer killed her husband? A Yes, sir, I was eight miles this side.

Q You know of the circumstance? A Yes, sir.

Q Do you remember about what year that was she killed her husband?

A I think it was in 1883.

Q You think it was in the eighties? A Yes, sir, somewhere in the eighties.

Mr. Faulds: Did you ever visit at McKamy's house? A Well, no sir,

often; no sir, I don't remember of visiting there, I might have been there, I can't commit to memory whether I was or not.

Q I want to know whether you were ever at his house, visiting there?

A I can't say really now positive I was at his house; I have been by the place where he used to live, but whether I have been in the house I can't say; he used to live there close by a family that I used to visit, a good deal; they were all in the same yard.

Q You don't know what year that was you first saw him there?

A I am not positive whether it was '73 or '4 that I first got acquainted with McKamy.

Q Are you positive it wasn't 1875? A Well, I think it was before that, according to my best judgment, that I got acquainted with him.

Q When you say the Brooks-Baxter war broke out? A Well, I am not positive about what year that was.

Q You were living there in Argenta when it broke out? A Yes, sir, I have made that my home since '65.

Q Did you have anything to do with that war? A No, sir.

Q And you say McKamy was acting as constable there? A Yes, sir.

Q Was he acting as Justice of the Peace? A No, sir.

Q Do you know whether he was appointed or elected? A He was appointed.

Q What was the name of the Governor at the time that war was going on: Hadley? A Yes, sir, Hadley was the man that appointed him; there was such a wrangling among the governors I don't remember who did hold, I know there was a wrangling between Brooks and Baxter and finally Baxter came out, soon then everybody got to fighting, but just how that tangle was, of course I was a little wild at that time, I don't remember all about it.

Q Governor Hadley was the man that appointed him? A Yes, sir.

Q There was a great many colored people taken out of the Territory over there in that war, from out of the Territory? A I don't know sir, that there was; there was a good many brought from down between Fort Smith and Little Rock, carried down there, but I don't know whether any came out of the Territory or not; I know some people came down from between Fort Smith and Little Rock by the same name I am, belonged to the Bryan family down there, but I never got acquainted with any came from the Nation; they might have come, I don't say they didn't, but I never got acquainted with any.

Q Vann was married at that time, was he? A Yes, sir.

Q Now how often would you see him there? A Oh while he was constable I used to see him often times there.

Q When he wasn't constable, did you see him often? A I didn't know so much about him; now when he was constable I often seen him.

Q When he wasn't constable, there would elapse a great length of time sometimes when you wouldn't see him? A I can't say about that, I never paid much attention to him until he got to be an officer, and I was a wild boy and I had to keep an eye on the officer.

Q Did he ever arrest you? A Yes, sir.

Q What did he arrest you for? A He arrested me on the charge of being drunk there one night.

Q Who, McKamy? A Yes, sir. There was a white man killed there one night, and me and a bar keeper had some racket, and of course some white men came on that knowed me, and he read out the warrant for me, but this night when I had the racket there I had it with the bar keeper, and McKamy - his deputy first came on and taken hold of me and I threw him loose - and McKamy came and taken me then and carried me over - I was running a shoe shopp, - and carried me over and locked me up in my own shop and put the key in his pocket.

Q What became of that charge, what was done with that? A They dispensed with it, found out I wasn't the man and didn't know anything about it.

Q And McKamy was the man that arrested you? A Yes, sir.

Q You were angered at McKamy for arresting you? A No, sir, I considered him my friend.

Q Were you ever arrested for anything else? A No, sir, tha

was the only thing.

Q You say when he ceased to act there as constable you lost track of him, don't know anything about him? A Yes, sir, I guess he left there; I don't know exactly how long after he ceased to be constable.

Q After he ceased to be constable he left there? A Yes, sir.

Q You didn't see anything of him after he ceased to be constable?

A I believe he has been back there, just been back and visited, tended to some business, and I have seen him once or twice; he has been back there.

Q That is after he ceased to be constable? A Yes, sir.

Q When did you say you first got acquainted with him: '73 or '74?

A Yes, sir.

Q Where did you first meet him? A Met him there in Argenta.

Q What the time the trouble was coming up, this war? A That was a little while before this war came up.

Q How long before, a month or so? A I really don't know.

Q Maybe a month or so? A Might have been just that long and might have been longer, I can't say.

Q You don't know? A I can't say.

Q So that your acquaintance with him there in Argenta is confined nearly altogether to the time that he acted as constable? A Yes, sir, more particularly, I knew him well then and was better acquainted with him; it behooved me to keep my eyes on the officers.

Q You were watching the officers? A Yes, sir.

Q You were afraid of them? A I was sorter shy of them.

Q You got drunk occasionally? A Yes, sir.

Q Kind of a whiskey fellow then? A Yes, sir.

Q Got better sense now? A Oh yes, sir, quit altogether.

Mr. Davenport: John, how long after he ceased to act as constable did he live there in Argenta? A I really don't know, sir, just exactly how long he did stay there after he ceased to act as constable.

Q Do you know whether or not he lived there any time after he quit acting as constable? A Well, yes, sir, I know he stayed around there a short while, I don't know just exactly how long.

Q You spoke a moment ago he lived in the yard with a family you visited quite often; what was that family named? A He lived in a yard they called the old King residence, where a man named LaMoyné used to live.

Q Was that the family you had reference to? A Yes, sir, I used to visit a great deal.

Mr. Faulds: You know where McKamy came from when he came to Arkansas? A No, sir, to my best knowledge though he came from the east somewhere, from one of those eastern states, to Argenta, I don't know where originally.

Mr. Davenport: You always understood he came from some of the states east of Arkansas? A Yes, sir.

Mr. Faulds: I object to that.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in testimony a certificate from the County Court of Pulaski County, Arkansas, showing the date of the appointment of George W. McKamy as constable for Eastman Township, State of Arkansas, County of Pulaski.

Mr. Faulds: I have one of those, we don't know whether it is the same as this, we are going to offer in evidence.

(Document described above admitted without objection.)

Mr. Davenport: I also desire to introduce a certified copy of the judgment and order of ouster, entered by the Cir-

cuit Court of Pulaski County, State of Arkansas, in the case of Joseph Brooks, Plaintiff, against Elisha Baxter.

Mr. Faulds: I object to that: what has it got to do with this case?

Mr. Davenport: It shows when Mr. Brooks and Mr. Baxter's war came on; I propose to show the war followed the entering of that order, and that is the best way of proving when the order was entered.

Mr. Faulds: I object to this, as incompetent, irrelevant and immaterial, and nothing to do with the case whatever.

Commission: The objection will be noted and the document will be filed.

Mr. Faulds: No proceedings in a suit between parties, in which George W. Vann wasn't a party, would be competent against him.

Mr. Davenport: It is offered for the purpose of showing by the best testimony when the controversy arose over the Governor's office between Joseph Brooks, who was contending for the office of Governor against Elisha Baxter, who was the incumbent and acting Governor, being the first record upon which they went into the Court, in order that subsequent testimony may be introduced to prove when the war known as the Brooks-Baxter war, in the state of Arkansas, came up.

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W. R. F. PAYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence? A My name is W. R. F. Payne; my age is 47 next birthday.

Mr. Faulds: Were you listening to the evidence of this former witness? A No, sir; my residence is Argenta, or Little Rock.

Mr. Davenport: How long have you resided in Argenta, or North Little Rock, Mr. Payne? A 21 years.

Q Was you residing in there when what was known as the Brooks-Baxter war took place? A Yes, sir.

Q Were you residing in Argenta in the eighties? A Yes, sir.

Q At any time during the eighties did you hold any official position in the town of Argenta, Arkansas? A Yes, sir, I did.

Q What position was it you held? A I was constable there.

Q In what township; or what was known as a township at that time?

A It was Hill Township then, but it was a part of Eastman; it was cut off of Eastman; Eastman was divided in '84, and in April, '85, I went in the constable's office and remained there until the 17th of September, '88.

Q During the time you were constable, who acted with you, if anyone?

A A. M. Doty.

Q Is Mr. Doty dead or living? A He is dead.

Q During that time, was a colored man by the name of George McKamy constable? A No, sir, he wasn't, he held no position there in that township.

Q Do you remember the circumstance of a colored woman having killed her husband, whose name was then Annie Greer, who now is Annie Green?

A Yes, sir, I knew Annie Greer when she lived there and know when she killed her husband.

Q Have you seen her since you came up here?

Mr. Faulds: I object to that as immaterial.

Mr. Davenport: The representatives of the Cherokee Nation offer it for the purpose of contradicting the applicant. The applicant has testified that he was constable at the time this transaction took place, and that he made the arrest.

Commission: The objection will be noted and the witness will be permitted to answer the question.

Mr. Faulds: I would desire to further state that you have no right to contradict the witness on an immaterial

matter, even if what you say is true.

A Well I met Annie, that I knew by Annie Greer in 1886 when this happened; in the early part of '86 I think when she killed her husband.

Q Who made the arrest in that case? A Me and Mr. Doty made the arrest, Mr. A. M. Doty, we were together.

Q Was George W. McKamy about her, have any part in the arrest?

A He took no part in the arrest, I don't know where he was at that time; he taken no part in the arrest, had nothing to do in any manner with the constable's office in the township at that time.

Q Do you know the year the Brooks-Baxter war took place? A I only know it from history; my impression is it was in '74, but I wasn't in the state at that time, I was in Mississippi, I lived there.

Mr. Paulds: Did you know McKamy? A I don't remember him, I don't think I was acquainted with him at any time.

Q Do you know him now? A No, sir, I don't think that I know him.

Q You would not know the man if you saw him? A I saw the man that was pointed out to me as McKamy, but what I want you to understand is I don't remember anything about him, only seeing him, I have no acquaintance with him that I recollect.

Q What year was this you say you arrested this man? A This woman; it was in '86, early part of '86 when this happened.

Q Well, this was a different transaction altogether you are speaking of, this arrest you made. A I am speaking about the arrest of the woman when she killed her husband.

Q Was it her husband she killed? A Yes, sir; that is what she was arrested and tried and acquitted for, killing her husband; it was her husband that was killed.

Q You are sure of that, are you? A Yes, sir.

Q And that was in '86? A Yes, sir, it was sometime in the early part of '86, I don't recollect the dates particularly, only I know it was in the early part of 1886.

Q You never saw McKamy then in Argenta at all? A I don't remember if I ever did.

Q Don't know that he ever lived there? A No, sir, I don't know anything of that kind.

Q Don't know that he acted as constable there? A Not of my own personal knowledge I don't; when he acted as constable was before I came there; I know that from hearsay, but not from my own personal knowledge.

Mr. Davenport: The representatives of the Cherokee Nation now offer in evidence a certified copy of the indictment and judgment in the case of the State of Arkansas against Annie Greer.

Mr. Paulds: Why this is a different case entirely that you are bringing up here; I object to this; the applicant is no party to this judgment and it cannot be evidence against him; incompetent.

Mr. Davenport: The representatives of the Cherokee Nation offer the certified copy of the indictment and judgment for the purpose of contradicting the applicant, and for the purpose of showing that the transaction of the killing of the husband of Annie Greer by her took place more than 12 years after the applicant claims he resided in Argenta, notwithstanding he claims he made the arrest.

Commissioner: The document will be duly filed.

MAT LA MOYRE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A My place of residence, Argenta.

Q What is your name? A Mat LaMoyné.

Q Now your age? A 48 years old.

Q Your residence? A Argenta, my residence is.

Q How long have you resided in Argenta? A Been there ever since October 15, 1868, came there the 15th day of October, 1868.

Q Is that town known by any other name but Argenta? A No, now it is known as not as Argenta, it is in the ward now, it is the eighth ward.

Q Eighth Ward of what? A Little Rock.

Q Mat, did you ever know a colored man down there in Argenta, when it was Argenta, by the name of George W. McKamy? A Yes, sir.

Q Have you seen that man since you came up here? A Yes, sir.

Q Do you know what name he goes by up here? A No, sir, I don't know what name he goes by.

Q He talk to you this morning? A No, sir, he haven't said a word to me, I haven't spoke to him.

Q Did you ever know him by any other name in Argenta but George W. McKamy? A No, sir.

Q About how long ago did you get acquainted with him, as near as you can remember? A It was in '72, either the first part of latter part of '72 I got acquainted with him; he lived in adjoining yards right with me and my father.

Q Did he ever occupy any official position down there? A Yes sir.

Q What was that? A Constable.

Q Was you acquainted with him before he was appointed constable or after he was appointed constable? A Before he was appointed constable.

Q About how long before? A I think his appointment was about in '73 sometime, he came to live there in adjoining yards with us in '72, the latter part of that, and shortly after that he was appointed, I think was when.

Q Did you ever have any conversation with him, or hear any conversation with him, with reference to where he came from when he came to Argenta? A No, sir, I heard him tell --

Mr. Paulds: I object to that.

A I never heard him say where he came from before he came there.

Q Do you remember anything about a war down there, known as the Brooks-Baxter war? A Yes, sir.

Q When did that take place? A That was in '74, along in '74.

Q Was that after George was appointed constable, or before?

A Before; after he was appointed constable.

Q He was acting constable before the war? A Before the Brooks-Baxter war, yes, sir.

Q And you think that war was in '74? A Yes, sir.

Q Now then, about how long did he stay there after the war; do you remember when he left? A After the Brooks-Baxter war, no, sir, I can't designate how long he stayed there.

Q Did he stay there any time, to your knowledge? A Yes, sir, after the war he stayed there sometime.

Q Do you remember any circumstance connected with his leaving, or anything that caused you to know anything about his leaving? A Yes, sir, I believe I can state this; that he lived right there after that at his mother-in-law, Aunt Sarah Roach was his mother-in-law, and along about that time he was talking about leaving and sent for her son to come and assist the old lady because he was going to leave.

Q What was his son's name? A Ed Roach was the son's name.

Q You know his family? A Yes, sir, I played with them.

Q Did he have his family there with him in Argenta? A Yes, sir.

Q About what constituted the members of his family, as near as you can come? A He had two sons and a daughter, one daughter died there

Almyra she was there, McKamy was her name.

Q Do you remember the other ~~daughter's~~ daughter's name? A Let's see, the other one's name, I can't exactly remember the other one's name.

Q What was the sons named? A Jim and Hewt.

Q Do you know where Jim is now? A Yes, sir.

Q Where is Jim? A Down there right in Little Rock.

Q About how long has Jim lived there? A Jim has been living there about a year, nearly a year since he has been back; Jim has been away some time.

Mr. Faulds: I object to that, it is immaterial in this case.

Mr. Faulds: Are not constables elected over there now? A Now you mean?

Q Yes? A Yes, sir.

Q They run for that position and are voted for? A Yes, sir.

Q That has been the practice ever since the Brooks-Baxter war?

A Yes, sir, I believe it has.

Q But at the time of this war they were appointed by the Governor; Governor Hadley appointed a number of men to act as constables? A Yes, well McKamy was appointed there.

Q That is, he was appointed by Governor Hadley; well you say he just came there and then he began to act as constable? A No, sir, I didn't say he just came there.

Q Well, how long was he there? A I can't just designate the time he was, but it was something, let's see, something over a year, something more or less that he was been there, but I don't know just exactly the time, I can't tell.

Q Did you ever see him doing any work there besides act as constable? A Yes, sir, he run a little eating house there; he never was much of a man for working.

Q Never was much of a man to work? A He was a pretty sharp man, had other ways of living I suppose; he run an eating house there.

Q Was that the time he acted as constable too? A Well he run a little sheebang during the time he was constable.

Q Did you ever eat there? A I don't remember eating any means there at all, I didn't eat there, I had a home.

Q He was carrying on a thriving business, acting as constable and running an eating house? A I suppose that is what he was doing, running a little house or something.

Q You live over there now, do you? A Yes, sir.

Q Ever get into any trouble over there? A No, sir, I haven't been in any serious trouble any time.

Q Been arrested? A Let's see; no, sir, I have never been arrested since I have been in there, I don't think.

Q Before you come in there? A No, sir.

Q Never arrested in your life; now tell the truth? A Let's see if I ever been arrested; I don't think I was only the ruling there they made back in the past, my father had it done, tried me for not working the roads, public roads.

Q You were lazy, weren't you? A No, I didn't want to work and I didn't suppose they could make me work, but they did make me.

Q How old did you say you were, eh? A Yes, sir, I am going on 48, in my 48th year.

Q Were you married when McKamy was there as constable? A No, sir.

Q What makes you appoint eh? year 1872, what makes you put it at that year? A That was the time we lived there on the place, we were living at the King place.

Q You say you think it was that year? A Well, I know it is the year we lived there, I know that was the time, the first time I got acquainted with him.

Q Can you read and write? A Yes, sir.

Q Did you see much of him after he quit that position of constable?

A Not do you mean see much of him?

Q Did you see him around there? A Oh yes, sir, I seen him around



times, at his house several times.

Q How long afterwards do you say he went away? A I don't know, I can't designate the time he left there.

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CHARLES TOLLIVER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence?

A CHARLES TOLLIVER: 47 years of age; live at North Little Rock, Argenta, used to be.

Q How long have you lived in North Little Rock? A Ever since '89.

Q Since you have been living in Little Rock, or Argenta as it was some years ago, did you ever know a man by the name of George W. McKamy, a colored man? A George McKamy, yes, sir.

Q About when, as near as you can remember, did you get acquainted with him? A Well, they emigrated a great deal here from Alabama, came here, about four or five hundred colored people, and he came along about that time, about '71 or '2, along about that time.

Q Did you ever hear him say where he came from when he came there?

A He used to be a constable, and he is a great man for roughness, and he was a great man for imposition, and he used to speak to a man and say, don't bother South Carolina, or North Carolina, and put his hand back of his coat and show his gun.

Q He left it to be understood he came from there - - -

Mr. Faulds: I object to that.

Q - - in that country where they made men stand around with their guns? A Yes, sir.

Q Did he occupy any official position down there? A He did, yes, sir.

Q What was he known as? A Constable.

Q Do you know what the name of the township was; the name it was known by at that time? A Well, it was Eastman township, it stands that way I suppose.

Q Now, did you know him before he appointed constable, or after he was appointed constable? A That was before he was appointed.

Q About how long before he was appointed constable did you get acquainted with him? A Before Brooks-Baxter war I think he was arresting people around there and beating up people.

Q I am speaking with reference to his being constable, or acting constable? A He was acting constable at the time.

Q He had his family there? A Yes, sir.

Q What was his boys name? A Jim McKamy and Newt, and I have forgot the rest of the children, he had some grandchildren, and one drank some whiskey and died; he lived there above Mat LaMoyné and McNeal lived on the other side of him.

Q Do you know anything about his son now, where he is? Newt?

A He is in Texas, somewhere around in there.

Q Do you know where Jim is? A Lives in Argenta.

Q Does his family live there? A Just married about a month or two ago, yes, sir.

Q When was the Brooks-Baxter war? A In the spring of '74.

Q Was McKamy there after the Brooks-Baxter war? A I don't know how long he was there, he had to run away from there, though, and I think it was in '75.

Q What did he run away for? A I don't know, they got after him and run him away.

Q Did you ever know him in Argenta by any other name other than George W. McKamy? A Never did know nothing but George McKamy.

Q When did you first learn that he ever had any other name? A I was in Indian Territory, and he was living there.

Q When was that? A It was in '83, I lived here three years and six months.

Q Were you up in this country yourself? A Yes, sir.

Q At what point? A Fort Smith.

Q You found then he went by another name? A Yes, sir.

Q Did you learn what that name was? A Yarn, or something.

Q Have you seen the man, since you came here, that was known as George McKamy in Argenta? A Yes, sir, I saw him this morning, same great big black fellow, and he has got a son the same size he is.

Q And the same man you know down there that acted as constable?

A Yes, sir.

Q And that was before the Brooks-Baxter was that he acted down there?

Mr. Faulder: He didn't say that.

A In '74 when I first knew him being a constable.

Q Did you now say you knew him when he was appointed constable?

A I didn't say I knew him before he was appointed constable.

Mr. Faulder: He was acting as constable when you first knew him, got acquainted with him, McKamy was acting as constable when you first got acquainted with him. A How could he be, he wasn't no constable then; how could he be constable in '71 or '72, how could he be a constable then.

Q You lived in Little Rock since '69? A That is right, yes.

Q How old were you when you went there? A I don't have any limit of that at all, I didn't tell that.

Q Well, how old are you now? A I told you I was 47.

Q How old would you be when you went there? A You can figure it up there.

Q You can't figure it out? A You can figure it out too can't you?

Q Well, if I took the time? A Well, that is your business; I told you I am 47 and you can figure it out.

Q Do you know when the war between the United States and the confederacy broke out? A No more than what I have seen folks there that was in time of the war, at my mistress's house.

Q What year was it the war started out? A I can't figure it out, I know they were there during the war, at my place.

Q Do you know when the war started? A They say it started in '61, I don't know when it started.

Q When did it end? A I don't know, I can't tell you.

Q You don't know that? A Some folks say it ended about '65, I don't know, I am not looking at them things at all.

Q Well how long did you know McKamy over there? A Well you can count up from '71 or '72 to '74, you can tell when that was.

Q He left there in '74 did he? A Somewhere in '74 or '75 he run away from there, I don't know how he got away.

Q You say it was sometime in '73, '74 or '75 he went away? A No, sir, I didn't say that, I say between '74 and '75 about the Brooks Baxter war when these fellows got after him and was going to kill him.

Q Did he leave there right after the Brooks-Baxter war? A Yes, sir.

Q Were you well acquainted with him over there; did you visit his place? A I told you I stayed around his house, I played with his children, I guess I did, I stayed there with them and played with them all the time.

Q Do you elect your constables over there now? A I don't know how these white folks do.

Q You are living over there now? A There is no negroes over there now, there are all white folks, they do as they please.

Q They elect them? A I don't know, the man is in the place.

Q Don't you have any elections over there? A I don't know anything about that.

Q Do they elect the white people? A I guess they do, sometime

they do vote over there? A Didn't I tell you they don't allow anything like that; they put them in custody, they appoint them somehow.

Q They treat you colored people badly over there. Did you ever vote over there yourself? A I have voted over there, Sir President,

Q Don't vote for anything else but President? A No need to vote for anything else but President.

Commission (to stenographer): Don't put all these immaterial questions down.

Mr. Davenport: Do you know Annie Greer? A That is my sister in law.

Q Did you know her at the time she had the trouble with her husband down there? A Yes, sir.

Q What year was that? A I don't know, it was in '88 or '7 somewhere in there.

Q Was George McKamy acting constable at that time? A No, sir.

Q Do you know what her name is now? A Annie Green.

Q Do you know of her having any trouble there in Argenta and being arrested and accused of killing her husband other than that time?

A No, sir, she has never killed anyone but that one.

Q Was she ever accused of killing anyone but ~~that~~ that? A No, sir, she come clear of that one.

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FANNIE MOORMAN, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A Fannie Moorman.

Q Now your age and place of residence? A I live in Argenta.

Q How old are you? A About 45.

Q What name is Argenta known by now, if any other than Argenta?

A Part of it is called North Little Rock, and the place I live in is not incorporated, it is called Military Heights.

Q How long have you lived in Argenta and near Argenta? A I have lived right around in Argenta and near Argenta, I was raised there.

Q Well, since you have been big enough to recollect, did you ever know a colored man down there named George McKamy? A Yes, sir.

Q About how long have you known him? A I have been knowing George McKamy quite a while, a great while.

Q Did you ever know him by any other name than George W. McKamy, or George McKamy? A No, sir.

Q Have you seen that man since you came up here? A Yes, sir, several times since I have been here.

Q Is he the same man you knew down there as George W. McKamy?

A Yes, sir.

Q Do you know what name he is going by now? A I have heard several times since I have been up here.

Q Is it represented to you that he goes by the name of George W. Vann up here? A Yes, sir.

Q Have you seen that man this morning? A Yes, sir, I saw him several times this morning; when I was up here this morning he was was there under the tree with his little black grip sack.

Q Did he ever hold any official position down there? A Yes, sir, he was constable down there.

Q Do you remember the township or not, or what it was called?

A No, sir, it is called - -

Q How long did you know him, if at all, before he was acting constable? A Yes, sir, I knew him a while before he was acting constable.

Q About how long? A About the rise of the year I suppose, something like along in there.

Q Something like a year? A Yes, sir, something like that.

Q Do you know what was known and called in your country as the Brooks-Baxter war? A Yes, sir.

Q Was George McKamy acting constable before the Brooks-Baxter war broke out? A Yes, sir, he was a constable before the Brooks-Baxter war.

Q Do you remember about what year the Brooks-Baxter war broke out?

A No, sir, I don't remember the year.

Q Youx had known him something like a year before he was appointed constable? A Yes, sir.

Q And he was acting constable before the war broke out? A Yes, sir, was acting constable before the war broke out.

Q About how many years altogether, from the first you got acquainted with him, did you know him, till he left Argenta? A In all till he left Argenta, as high as three or four years anyway, I suppose.

Q Did he make any crops or work around Argenta? A Yes, sir, he made two or three crops around there.

Q Had he made any crops before the Brooks-Baxter war, do you know?

A Yes, sir, before the Brooks-Baxter war.

Mr. Faulds: That is a leading question.

Q Near whom did he live when he was living in Argenta, if you remember the names of the families? A He lived a good while, I can't say how long, by the side of Mat LaMoyné.

Q That the gentleman who testified a while ago? A Yes, sir; and then he lived a good while by Mandy Yarbrough.

Q Now what relation is Mandy Yarbrough to Annie Green now, who was formerly Annie Greer, if she is any? A She is her mother.

Q Did you know George W. McKamy's family when they lived in Argenta?

A Yes, sir, I was very well acquainted with his wife, his mother-in-law, his brother-in-law, and knew the children, some of the children I knew the names; now it has been so long I can't call all the children's names.

Q What was some of the children's names you remember? A He had a boy named Jim McKamy, and he had another Luke, and he had a girl named Mary Jane, and his wife was Mary Jane.

A Did he have any other girls, you remember? A Yes, sir, one or two, and I disremember the names.

Q Do you know where Jim McKamy and his family reside? A About a mile or a mile and a half from me in Argenta.

Mr. Faulds: Did you ever apply to be enrolled as a Cherokee Freedman? A Did I ever; no, sir.

Q You are a colored woman, aren't you? A Yes, sir, I am a colored woman.

Q Were you well acquainted with old George over there? A George McKamy; yes, sir, I was pretty well acquainted with him.

Q Were you married at the time you knew him? A Yes, sir. ~~xxxxx~~  
~~xxxxxxxxxxxxxxxxxxxx~~

Q When, before this disturbance first started, before this Brooks-Baxter war? A Well now I can't tell you anything about the starting of that, I only aim to tell you the truth.

Q How long did it continue? A You may be sure a woman can't really tell you how long it continued, because time of the shooting a woman would be some other place.

Q Any actual fighting over there? A Yes, sir, a good deal of shooting.

Q Was anybody killed? A Yes, sir, I always heard someone got killed, not that I saw them.

Q There was a great deal of disturbance, great deal of talk about the war? A Yes, sir, there was a good deal of talk when the two men Brooks and Baxter, this one wanted the seat and the other wanted the seat, and there was a great deal of talk in that direction.

Q It was during this talk that McKamy began to act as constable, wasn't it? A During this talk he began to act as constable?

Q This talk about having trouble between these two men? A Well I don't know, I can't say, I don't know whether the time of this great talk was about the war or not.

Q How long did he act there as constable? A Well, I don't know, he

acted some little time, I don't know, I can't really say, not expecting anything like this kind would ever come up.

Q Did you ever know McKamy before you saw him there? A Before I saw him in Argenta, no, sir, never till I saw him in Argenta.

Q He went away from there, did he? A Yes, sir, he run - he went away from there.

Q You remember the date he went away? A No, sir, I don't know anything about the date that he went away only I know when the great talk was he had run away from there.

Q What did he run away from there for? A I don't really know what it was he run off for, but I know he run away and slipped back in there to get his family.

Q You ever seen his wife since she left there? A No, sir, never seen her since she left there; since she left there, I heard he come in on an excursion and they passed my house, but I never saw him, and I spoke and says, there goes Mrs. McKamy, but I didn't speak to her.

Q When this Brooks-Baxter was war ever did they elect their constables or appoint them, do you know that? A No, sir, only I know when the constables would come out like that, and they would say so and so is constable.

Q They don't allow you to vote down there? A No, sir, they don't allow us to have anything to do with politics, and I have less to do than anyone.

Q You don't know how many years McKamy stayed there? A No, sir, but I know he was there some time, between two and three years, he made two or three crops there and you can't make two or three crops in one year.

Q He made a crop at the same time he was acting as constable?

A I don't know whether he did, don't know whether he was acting as constable and making a crop.

Q You can't swear he wasn't making a crop at the time he was acting as constable, or having others to make a crop for him? A I don't know whether he was making a crop or not.

Mr. Davenport: I don't know whether I understood you when you answered Mr. Paulds' question as to whether or not you were married when you got acquainted with McKamy? A I remember him after I was married and I told him yesterday.

Q Do you mean by that you were married when you first knew McKamy's family? A No, sir, when I first knew McKamy's family I wasn't married then.

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J. J. BEAVERS, appearing before the Commission and being duly sworn and examined, testified as follows.

Mr. Davenport: State your name, age and place of residence? A My name is J. J. Beavers; 45 years old, and I am now residing at Muskogee, Indian Territory.

Q Where did you formerly live before going to Muskogee? A I lived at Benton, Arkansas.

Q How long did you live in the State of Arkansas before going to Muskogee? A All my life.

Q You were living in the State of Arkansas then at the breaking out of that war known as the Brooks-Baxter war? A Yes, sir.

Q I wish you would state to us as near as you can, the date of the Brooks Baxter war? A I don't know the exact date, of course; it was sometime in the spring of 1874.

Mr. Paulds: You say the actual fighting began in the spring of 1874? A Yes, sir.

Q There was a great disturbance before that, and talk of a conflict? A No, sir, the writ of custer there that Brooks obtained against Baxter came as a thunder clap; nobody was expecting it at all, I

wasn't and there were others at my town were not expecting it at all.

Q Well this suit had been brought and there must have been some commotion when this suit was first begun? A Well, I am only speaking from information as to what I know as to how that matter went along, I know from information how the matter went along, but of course I wasn't present when the suit was begun or anything of that kind.

Q How far is this place, Benton, from Little Rock? A 23 miles.

Q Do you know whether they elected their constables over there or appointed them? A Now?

Q Yes? A They elect them, since the constitution of 1874, which was adopted in the fall of '74, and before that they were appointed.

Q And before that they were appointed you say? A Yes, sir.

Q And ever since '74 they have been elected? A Yes, sir; of course when there are vacancies they are appointed; that amendment was adopted to the Constitution of our state two or four years ago, so that they are now appointed when there is a vacancy.

Mr. Davenport: From the war up to 1874, the adoption of the Constitution, they were appointed constables? A Yes, sir, that is my understanding.

Q Was there or was there not any demonstration of war between the Brooks party and the Baxter party in the State of Arkansas, until after Judge Whitcomb issued the writ of ouster against Elisha Baxter?

A It wasn't Whitcomb, it was Whylock; not, sir, not to my knowledge, I was in that one right straight and I expect I would have been in it if there had been one; of course I can give my understanding of how I understood the matter was to be determined, but that probably wouldn't be competent.

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AMANDA YARBROUGH, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name? A Amanda Yarbrough.

Q Where do you reside? A Willie Street, North La Buren, in Argenta, No. 700.

Q How old are you? A I put myself to be 34 or '35.

Q Don't exactly know how old you are? A No, sir, I don't exactly know.

Q How long have you resided in Argenta, or North Little Rock?

A Well, it is all the same, it is in Argenta.

Q How long have you lived there? A I can't tell you exactly how many years I have; at the old home place where I am living, I have been living there 21 or 22 years, where my husband died and left me.

Q Did you live at any other place in Argenta before you moved to the place you are now living? A Yes, sir, I lived down on the river near the school house when I first settled in Argenta.

Q When you first lived on the river at the school house, did any colored man by the name of George W. McKamy live near you? A Yes, sir.

Q About when was it you lived down on the river there, about how many years ago? A Well, it has been something in the neighborhood of where I tell you, I moved from there right up there to the crossing and made a crop there, right there, and I moved from the crossing right at the old home place.

Q Did this man George W. McKamy, that lived near you, ever occupy any official position in Argenta, or North Little Rock? A Yes, sir, he was a constable, and then he run a kinder saloon in Argenta.

Q Did you get acquainted with him before he was constable? A Lord, yes sir.

Q How long had you known him before he was appointed constable?

A It was several years, I guess, I can't designate the years.

Q What, if anything, in the way of labor, did he do before he was appointed constable? A He made I think two or three crops.

Q On whose place did he make a crop? A I can't tell the man's

name, it was an old bottle near the Choctaw depot.

Q You knew him when sometime before he was appointed constable?

A Yes, sir.

Q Can you remember when the Brooks-Baxter war came on? A Yes, sir, a little bit, I can't remember what year, I think it was '74, in the spring.

Q Was George W. McKamy acting as constable before the war? A Yes, sir.

Q How long did he stay there, do you know, after the Brooks-Baxter war? A I can't testinate the time, but he didn't leave there till after the war.

Q Did you ever have a conversation with George McKamy, or hear him have any conversation with anyone else in your present, as to where he came from when he moved to Argenta? A Yes, sir.

Q Where did he say he came from? A From Alabama, from Stevenson, Alabama, and Roach Cave, he has got a brother-in-law down there now.

Q What is the name of his brother? A Ed Roach.

Q Did you know George W. McKamy's family? A Mary Jane?

Q I don't know which one? A Well, that is his wife, old Aunt Sallie Roach's daughter.

Q Did he have any children? A Yes, sir, has Jim and one named Mary Jane, and one named Almyra, and Newt, had two grandchildren there.

Q Well, have you seen the man since you came up here that was known there as George W. McKamy? A I seen him this morning.

Q Is that the gentleman sitting behind you (indicating)? A Yes, sir, he was down at my house not long ago.

Q What was it you said about his being at your house not long ago?

A When he was at my house, he was down I suppose, I don't know his business, but he called there I know.

Q When was it he called? A It was in this month I think.

Q The last few weeks? A Yes, sir, it hasn't been over three weeks; in this month or the last of last month when he was at my house on a Sunday morning. He had an oldest son.

Q What is his son's name? A Jim.

Q Where is Jim living? A I don't know where Jim is living at, but Jim came up the road last Friday night or Saturday night.

Q Where had he been living prior to that time? A Right there.

Q In what country? A Right there close to me.

Q In Little Rock? A No, sir, Argenta, I don't live in Little Rock, north of Little Rock, the river divides us.

Q Did you ever know George W. McKamy, or the man known as McKamy, by any other name? A No, sir, when he came from Alabama he came there as George W. McKamy.

Q What was he when he lived there? A That was what he was, McKamy.

Q When he came to your house three or four weeks ago, what name was he going by? A I called him McKamy like I always did.

Q Did he say anything about his name being changed? A No, sir.

Q Have you heard since you came up here about his name being changed? A Yes, sir, I got in an argument with some ladies up here.

Q What name did you hear he was known by up here? A George Vann, that was a strange name to me, I didn't know him as that.

Q Have you a daughter named Annie? A Yes, sir.

Q Was she known at one time as Annie Green? A Yes, sir.

Q What is her name now? A Green.

Q She had some trouble with her husband once? A Yes, sir, and killed him too.

Q Can you tell that year? A No, sir.

Q Who was acting constable of the township at that time? A Mr. Doty and Mr. Rube Payne; he is our doors now.

Q Do you know who made the arrest in that case? A Yes, sir, Mr. Doty and Mr. Rube Payne I told you.

Q Did George McKamy have anything to do with it? A No, sir, he wasn't there, there sants no use talking that way, he wasn't there, je

had done left there after the Brooks and Baxter war, I told you.

Q When he was down there the other week, was anything said about his claim up here for citizenship, as a freedman of the Cherokee Nation, did he say anything about that? A He said a little about it, talked to somebody else, said he had 160 acres of the best land up here, and I thought if they gave him that much that they ought to give me a little, because I am a poor widow woman.

Mr. Faulds: Did you ever apply to be enrolled as a Cherokee Freedman? A I don't know how.

Q Don't know how? A No, sir.

Q Your daughter Annie applied, didn't she? A I don't know what she done, I haven't been up here to see her, I haven't seen her in ten years before Wednesday morning.

Q She always claimed to be a Cherokee Freedman? A I don't know what she is, I know what I am.

Q You are colored? A Yes, sir, born colored and never changed.

Q You were born in Tennessee? A Yes, sir, and at Anderson Station, ten miles above Stevenson, Alabama; old John Anderson.

Q When did you come to this country? A Mister, it has been so long I just can't tell you, I have been here for a time.

Q Did you come here before the war? A I come here since I have been freed, I never come here before any war, I never left home because I was afraid I would starve to death.

Q You came here after the war between the Confederacy and the United States?

Mr. Davenport: I would suggest you state she came to Arkansas.

Q You came to Arkansas from Tennessee after the war? A Yes, sir.

Q How long after the war? A I can't destinate the years after the war, but I came here after the war, my father was the cause of my coming here, leaving home.

Q Was that five or six years after the war? A Yes, sir, somewhere along there.

Q Ten years after the war? A I can't tell you how many years after the war.

Q You have no idea how many years it was? A No, sir, I can't.

Q Might be ten years? A Yes, sir, and might have been longer, I can't tell you.

Q Probably longer than ten years? A I can't tell you how long it was, I didn't come here to tell any tale, I came here to tell the truth.

Q Where was the first place you ever saw McKamy? A In Argenta.

Q That is the first you ever saw him? A He came there to his mother-in-law's.

Q His mother-in-law was living there? A Yes, sir, lived right near me, right door neighbors to me, and Mat LaMoyné and Ed Kirby, and McKamy lived on the back and I lived on this corner near the school house, there is where he settled when he first come to Argenta.

Q Do you know what year that was in? A No, sir.

Q You don't know what year it was you saw him there in Argenta the first time? A No, sir, it was long before the war though, Brooks and Baxter war, and he left there after that. Yes he will tell you he lived right there by me door neighbors, his children and mine played together; when I come here I didn't bring but three children, neither.

Q How old is Annie? A She can tell you, her record is right at home, the youngest is 27, going on 28, he was 3 months old when I came to this country.

Q Did George McKamy, or George Vann, marry his wife in Alabama?

A Mary Jane he did, yes sir, he brought Mary Jane to Argenta.

Q Went over there to get married and brought her to Argenta? A I don't know anything about going to get married, he didn't go over there he was over there.



Q You see them start from Alabama? A No, sir, his brother-in-law —  
Q I am asking you about what you know? A I never saw him, I saw him after he moved there before he brought this wife with him, he brought Mary Jane with him to Argenta.

Q Did you ever see him before he brought his wife there? A No, sir, I never seed him that I know of.

Q Now when did he bring his wife there? A He brought his wife there when he came himself; I can't tell you when he came there, but he lived there, he lived there with the same wife, Mary Jane, that is all the wife I ever knew him to have.

Q Were these crops he was making in the Cherokee Nation? A I never said no Cherokee Nation, I don't know anything about no Cherokee Nation; don't ask me that I don't know.

Q Was he making crops over there at the time he was acting as constable? A He was in Argenta when he was acting as constable.

Q I say, was he making crops? A He was running kinder of a restaurant.

Q Wasn't he <sup>justice</sup> ~~kind~~ of the peace? A Henry Sutton and Squire Glass was ~~kind~~ justice of the peace.

Q Wasn't George McKamy acting as justice of the peace over there?

A I don't know anything about the justice of the peace, he was acting as constable, him and Charlie Humphreys.

Q Your daughter Annie Green swore he was acting as Justice of the Peace in Argenta? A He was constable, I know that, Henry Sutton was justice of the peace; McKamy went out and arrested people.

Q After McKamy went out, did you ever see him back? A Yes, sir, he was down there not long ago.

Q Did you ever see him there in '85 and '87? A I don't know sir whether he was there or not, I don't remember it.

Q Ever come around and talk to you? A No, sir, the first time I saw him to talk to him he come down there a few weeks ago.

Q Didn't McKamy come down there and move his mother-in-law, Sallie Roach, up here in the Cherokee Nation? A McKamy was kinder scared to come down there, for some cause.

Q Answer the question? A I never seed him come down there and move her up here.

Q Do you know Sallie Roach? A She is dead, I can't know the dead.

Q Where did she die? A They say she died up here at George McKamy's house.

Q When did she leave there? A I don't know, I think he sent for her and her brother-in-law put her on an' sent her up here to Fort Smith, I don't know that.

Q How many years ago was it she left there? A I don't know.

Q 15 years ago? A I don't know, I can't tell you.

Q You want to get on the roll and get 160 acres of land? A If you are going to give it to me, I will take it.

Q You think you are entitled to it? A I am entitled to all I can work for and that I can hold a claim to.

J. H. BOWERS, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. H. Bowers.

What is your age? A 63.

Where do you live? A Muldrow, Indian Territory.

Mr. Bowers, how far is Muldrow from Fort Smith, Arkansas? A Well it is about, at least 12 miles and a half.

Q It is west, or a little north of west? A Fort Smith is nearly east of Muldrow.

How long have you lived in the section of the country between Muldrow and Fort Smith, Arkansas? A 34 years.

Q And you came there the next year, about two years after the war, in '67? A Yes, sir.

Q Where did you first locate, Mr. Bowers, when you first came there? A Right on the river bank opposite Fort Smith.

Q On the Cherokee Nation side? A Cherokee side.

Q What did you do for the first few years after the war? A Well, I was farming part of the time and was deputy marshal; that is, farming on a small scale and deputy marshal for about six years.

Q When did you move up above there; didn't you keep a boarding house up about half way between? A In '75 I moved up about nine miles west of Fort Smith on the Muskogee and Fort Smith wagon road, the stage road, called the Nine Mile House.

Q Prior to that time, from '67 to '74 or '5 you lived between the Nine Mile House and Fort Smith? A I lived in the river bottom about between four and five miles above Fort Smith.

Mr. Paulds: I object to this testimony on the ground that this witness has already testified to the same effect.

Mr. Hastings: I don't reckon you know what we are going to bring out.

Commission: The objection will be noted and the witness permitted to answer the questions.

Q State whether or not you enjoyed an extensive acquaintance with the people around in that section of the country ~~from that~~ for the six, eight, or ten years after the war? A Yes, sir, I did.

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

Q Did you ever know him by any other name? A No, from what I have heard, he had another name; I didn't know him by any other name only George Vann.

Q How far does he live from you now? A He lives about eight miles

Q How far does he live from that place, that Nine Mile House that you used to keep? A He didn't live in that country when I used to live at the Nine Mile House.

Q I mean how far does he live from that house now, not then?

A About six miles, or seven, when I became acquainted with him.

Q When did you first become acquainted with him? A Nine miles, it is eight miles.

Q I mean now; the question is, when did you first know George Vann, when did you first see him? A About '77 or '8; '77 I think it was.

Q You lived in that neighborhood from '67 to '77 did you? A Yes, in that part of the country.

Q State whether or not you knew all the darkies in that country between '67 and '77?

Mr. Paulds: I object to the question as leading.

Commission: Let him answer the question; the objection will be noted.

A I knew every colored man in that country down in that river bottom at that time, down from '67 to '75.

Q State whether or not this George W. Vann lived in that country between those dates? A I never knew him, never saw him there in that part of the country there during that time.

Q Was the country thickly settled at that time, Mr. Bowers? A No, very thinly settled.

Q State whether or not people noticed about strangers coming in then more than they do now?

Mr. Paulds: I object to such a question as what; what does he know about it.

Commission: The objection will be noted; let the question be answered.

Q State whether or not the people noticed the coming of strangers more than they do now? A They knew right off at that time of the coming in of strangers; there were very few white people in that

country at that time, and what colored people were in there at that time were Cherokee freedmen, and belonged in there.

Q Could this man George W. Vann lived there for ten years in that neighborhood without your knowing it? A No, sir, he couldn't.

Mr. Faulds: When did you say he came there? A In '67.

Q Where did you come from? A Lived over in Fort Smith

Q Came from Fort Smith over there in '67? A Yes, sir.

Q How long did you live at Fort Smith? A About a year and a half.

Q Just before you came over there to Muldrow? A Yes, sir.

Q Where did you come from to Fort Smith? A From Kansas City, in '66.

Q Came from Kansas City in '66? A Yes, sir.

Q Had you ever been in Fort Smith before you came there that time?

A Yes, sir, I was there during the war, I was a soldier.

Q What was your occupation in Fort Smith; deputy marshal? A No, not that time when I lived there, I was working for the government.

Q What occupation, what capacity were you working for the government? A Well I drove a six mule team a while, drove an eight mule team, and then I was made time keeper in the machine shop there of all the laborers and mechanics; that is the last job I had under the government.

Q You know all the colored people that came into Fort Smith at the time you were living there? A No, sir, I did not.

Q Do you know whether or not McKamy was a cook on the boat that carried soldiers up here in Fort Gibson time of the war? A No, sir, don't know anything about it, never heard about it.

Q Well, you testified before in this case didn't you? A Yes, sir.

Q Just to these same facts? A Near the same.

Q You are here to swear the same thing over again, to make it all the stronger? A (No response.)

Q You say it was '72 you first got acquainted with McKamy? A When I first got acquainted with him was '77.

Q What was he doing then? A I don't know what he was doing then, he was down in the bottom doing something, I don't know what he was doing, I saw him there at the landing opposite Fort Smith.

Q Wasn't doing anything at all? A I don't know what he was doing.

Q What was his name, George Vann or McKamy? A I always heard him called George Vann

Q Right there at the landing at Fort Smith? A Opposite Fort Smith, what we call the landing is the ferry landing on the Cherokee side.

Q Was he dressed up as a preacher or doctor or farmer? A I don't know whether he was dressed up as a farmer or preacher; I can't say, I saw him there talking around there.

Q You knew him to be a preacher down there? A I have heard it said he was a preacher, I don't know it.

Q Well, you married a Cherokee Indian yourself, didn't you? A Yes, sir.

Q And she died? A Yes, sir.

Q Did you marry again? A Yes, sir.

Q Married a white woman? A Yes, sir.

Q And you are claiming citizenship still, aren't you? A Well, I haven't set up any claim to citizenship.

Q You intend to? A I don't know what I intend to do.

Mr. Hastings: He are not trying his case.

Mr. Faulds: Didn't you tell me the other time that you were a citizen of the Cherokee Nation? A No, sir.

Commission: I don't think that should go in the record, we are not trying his case, as Mr. Hastings said.

Q Didn't you say in your testimony before you were a citizen?

A No, sir, I did not.

Mr. Hastings: What official position do you hold now, if any?

A Postmaster at Muldrow.

Q Been postmaster there once before? A Postmaster under the Her-  
rison administration four years, and going on five now under the

Present administration:

Mr. Faulds: I object to this testimony, on the ground that the witness was called to testify to the same facts he testified to last spring

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Mr. Hastings: The attorneys for the Cherokee Nation desire to serve notice on the applicant and his attorney that additional testimony on behalf of the Cherokee Nation will be taken before the Commission on to-morrow, September 18, between the hours of eight o'clock, A. M., and five o'clock, P.M.

Mr. Faulds: Well we might offer some. I give notice that we will offer some testimony to-morrow on the part of the applicant.

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Mr. Faulds: The applicant offers in testimony the judgment of the United States Court at Fort Smith, Arkansas, Judge Parker presiding, in which George W. Vann was charged with cutting timber on Indian lands, and it became material to know whether or not he was a Cherokee citizen,

Mr. Hastings: You are making an argument; state what you offer and leave that out about the argument, and argue that later.

Commission: State briefly what you want to offer.

Mr. Faulds: We offer the record of the said court. The judgment in date January 10, 1898, the record of the court holding that George W. Vann is a citizen of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation objects to the introduction of the record, because the same was ex parte and the Cherokee Nation was not a party to it.

Commission: The objection is noted and the document will be filed.

Mr. Faulds: I desire to state that this judgment is evidence on two grounds, first -

Mr. Hastings: I will object to that; the record should be unremembered with it.

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

Bruce G. Jones

Sworn to and subscribed before me this the 17th of September, 1901.

*M.D. Green*  
*M.D.*  
*Notary Public*

Supl.C.F.-D.#115.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Vann, et al., as Cherokee Freedmen, the following testimony is introduced on the part of the Cherokee Nation.

APPEARANCES:

Applicant present in person and by Attorney J.D. Faulds;  
W. W. Hastings, Attorney for Cherokee Nation.

DELIA A. BREWER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

- Q "What is your name?" A Delia A. Brewer.  
Q How old are you, Mrs. Brewer? A I am 67 years old, last February.  
Q "What was your maiden name?" A Delia A. Vann.  
Q "What was your father's name?" A Joseph Vann.  
Q Where did you live before the war? A I lived at Webbers Falls Canadian district.  
Q Is your father the same Vann that was blown up on a steam boat?  
A Yes, sir, he owned two steam botas.  
Q Where was he blown up? A Near Louisville on the Ohio river.  
Q You have some brothers and sisters? A I am all alone.  
Q I mean you did have? A Yes, sir, my mother had ten children.  
Q Did you have a brother by the name of Jim? A Yes, sir.  
Q Jim Vann? A Yes, sir.  
Q Was Jim Vann married? A Yes, sir, he married Araminta Ross.  
Q Where did Jim Vann live at the breaking out of the war? A I think he was living at Tahlequah.  
Q Was his wife living at that time? A Yes, sir.  
Q You were living at Webbers Falls? A Yes, sir.  
Q Were you married before the war? A Oh, yes, three children before the war.  
Q Had your brother, Jim Vann, any slaves that were freed?  
A Yes, sir.  
Q Do you remember their names? A I am so forgetful, I would know the names if they were called over; I remember the oldest negro woman named Hannah and Bill, but the children, I have forgotten the names. Yes, there was a child I owned a while, Jennie, and I think Emerson bought her.  
Q Do you know this applicant over here who gives his name George W. Vann? A Is that him right there (referring to applicant)?  
Q Yes, Ma'm? A No, sir.  
Q Did he ever belong to your brother, Jim Vann? A I guess not, Bill and Hannah was the oldest darkies they drew from our estate and of course he would be about the age of Bill, he claims to be George Washington?  
Q Yes Ma'm? A I told this court before that there was not but one George ever about our place, and I am the lady that owned him.  
Q You owned him? A Yes, sir; I drew him from the estate.  
Q What became of that George? A He was drowned up in Kansas, so his brother told me.  
Q You know that this man is not that same George? A Of course I do, you don't claim to be that George?  
Q Well, you know that there is but one George that belonged to the Joe Vann estate? A He didn't have Washington to his name at all; he was a splendid darkey too.

Q About how old was that George Wann when the war came up?

A He was about my age I guess.

Q Then if he was living now he would be about 67? A Between 60 and 70 somewhere; old Daniel might know but they tell me he is dead, his brother.

Q When did you first see this man here? A I saw him here when I came to testify in his case before.

Q During the Kern-Clifton? A He was pointed out to me; he looks to me younger than he did then.

THE MR. FAULDS:

Q Where were you born, Mrs. Brewer? A I was born in Springplace, Wray County, Georgia, where the Georgians dispossessed the Cherokees in 1824; is that explicit?

Q When did you emigrate to this country? A In '39.

Q When did your father emigrate here? A He did; I came with him; his darkies was brought down with a detachment of Cherokees. He was funny and would not let the Government feed them; he owned over a hundred.

Q You say your father owned a hundred slaves when he started from Georgia? A I didn't say he did then, but I knew about it when he died.

Q You say you were born in '34 and you came here in '39? A Yes, sir, I remembered it because I described the matters minutely to my mother and brothers and they claimed I remembered it very well; I knew nothing about Georgia; we had to go to Tennessee.

Q Did he fetch all his slaves here when he come on the steam boat?

A We didn't come on a steam boat, my father had a keel boat and we came on that.

Q You being only five years of age at that time, would you undertake to say how many slaves he brought with him to this country?

A No, sir, I will not.

Q It might have been 200? A No, sir; no George Washington came.

Q Well, I understand that some people say there were 175 slaves he owned, are you prepared to dispute that? A I think I am; he sold some.

Q Well, the year 1850; was he dead then? A In 1850?

Q Yes? A My father was killed in '44, when I was ten years old the spring previous to his death.

Q Well, did you know how many slaves he had in '44 at the time of his death? A About ~~100~~ hundred.

Q Well, he had a hundred then when he came here? A There was quite a number died after we came here to the Falls.

Q Did he buy any, acquire any? A Only what was born; no, he didn't buy any.

Q You were ten years of age when your father died? A Yes, sir; and that old fellow never saw him.

Q Well, you say you are pretty forgetful? A I am now, but I can remember things back then better than I could things that would happen now.

Q Your memory is not very good now? A No, sir.

Q Well, did you know the names of all the slaves he had at that time? Well, no, sometimes I never saw them for a year; there was what we called field darkies that never came to the house.

Q Some slaves you would not see for a year? A Yes, sir, sometimes it was a treat to go up in the town we called it; the houses was built one after another.

Q Some of these slaves were hired out, weren't they? A No, sir.

Q None of them were hired out? A No, sir. They might have let some of the women go around to cook for some neighbor women just for accommodation.

Q Where were you living when the war broke out? A I am living on the place I am living on now.

Q Where is that? A It is seven miles, maybe eight, above Webbers Falls, right opposite Bluff Switch, in Canadian district, Cherokee Nation.

Q Where was Jim Vann living at that time, your brother? A He didn't have any particular home, he was a lawyer, he batched at Tahlequah.

Q He didn't have any particular home at all? A Not then because he and his wife were separated.

Q Well, he didn't live at Tahlequah then when the war broke out?

A I don't know but what he did.

Q You said he had no particular home, now which is true? A I meant he was not there much, he had his household goods there, he batched there with Tom Taylor, a lawyer he practiced with.

Q He was a race horse man wasn't he? A Not particularly.

Q Did you visit him much? A Not then.

Q Did you ever go to see him? A No, sir, not while he was at Tahlequah, but I was when he was living at Park Hill with his wife.

Q When was he living with his wife? A That was previous to this time; he was, while I was a girl growing up.

Q Away back in the '40's? A Let's see I went to the Seminary; when did the Seminary open?

(Mr. Hastings answers 1850.)

Witness: Well, I was there in '51, '2 and '3.

Q Did Dayfield get part of the slaves after the steam boat was blown up that you speak of? A I think he maybe did get a family.

Q Did you know what slaves he got? A No, sir, I don't remember.

Q How many did he get? A I don't know; it maybe that he got some.

Q Do you know any of their names? A No, sir.

Q You say he owned a hundred slaves? A I could not swear that he did.

Q Well, how many names can you give me now of these slaves? A Of what slaves; that we owned?

Q Yes, that your father owned when he died? A I didn't want to take the trouble.

Q Well, give me the names? A There was some "old freedmen negroes.

Q Can you give me the names of ten? A Yes, sir, I can give the names of twenty.

Q Can you give the names of fifty? A No, sir, I don't know whether I can or not.

Q Can you describe these slaves, what they looked like, whether they were small or tall? A What a foolish question.

Commissioner: Say yes or no Mrs. Brewer? A Why, yes,

Mr. Faulds: Go on and describe them? A There is some right there just about such looking ones as those.

Q Are these some of them? A Yes, there is some right there.

Q Are these old Joe Vann's slaves, these men right here?

A Why, I don't know but they are.

Q I asked you to describe some of old Joe Vann's slaves? A I told you they would some of them pretty much to say they looked about like these.

Q I say you can't tell one negro from another then? A Why, I can when I know them; if I know I would have been cross-questioned I would not have come.

Q You say you were ten years of age when your father died; now you can't pretend to tell what slaves he had at that time and what their names were? A I know he didn't have but one George.

Q I am not asking you that question, you saw you were ten years old when your father died; if you can tell some of the names of these slaves and describe them to me so that any of them were to be brought here, if you would know them? A Would you know any one you saw at that age?

Q You say then that you would not know? A I think I would know some of them.

Q How many slaves did you get for your share? A I think we got about seven apiece.

Q You got seven? A Yes, sir.

Q What was their names? A Alpie was the woman's name and she had two or three children and an old man; they had men to appraise the property and divide it as well as they could, and the old man I got his name was Caesar and his wife's name was Sarah.

Q Well, now, how many slaves did Jim Vann get? A He got the same as the others did. And when he married he got more than that given him by his father and he squandered them.

Q When was he married? A He married before my father's death in '44.

Q And how many slaves did he get on his marriage? A I don't know that; I was a child I could not remember.

Q You don't know the names of them? A Yes, I do, I told you their names, Mr. Hastings?

Mr. Hastings: He wants to get it in this record?

Witness: What he got through my father's estate that was given him when he married, that was old Hannah.

Q How many? A I don't know; I can't remember because I could not see her.

Q You don't know how many Jim got on his marriage? (No response.)

Q Well, did he have any before he got married that his father had given him? A I don't think he did.

Q And you say he got some from the estate? A I ain't certain about that unless I was to sit and count how many I got; I think it was seven though.

Q Do you know the names of the ones Jim got? A No, sir.

Q Did you ever see them? A Of course I did; I don't know as I knew the young darkeys' names because I had nothing to do with them; I would just see them around the place.

Q Would you undertake to say that your father didn't have some of these slaves hired out? A No, I would not positively swear that, but I would positively say I would not believe I did.

Q Now, Jim was a man who was addicted to being considerable?

A Yes, sir.

Q And at that would be hard up? A Yes, sir, he generally made a raise pretty soon though.

Q Well, it would be most natural now for him to hire them out?

(Question objected to by Mr. Hastings, and sustained by the Commissioner.)

Q You would not undertake to say that Jim Vann didn't hire out some of his slaves? A I really don't know.

Q You said you never went much about him? A I say I didn't see much of him no more.

Q You said you didn't go much about your brother? A He was hatching in Falsquah and I had married and alone and what would a woman have around a place like that?

Q How long did he hatch there? A About two years.

Q You didn't go around him at that time? A No.

Q Did your father run racehorses? A He did back in the old nation; he had a noted race mare he run; she was brought from Kentucky and he named his steam boat from her—Lucy Walker.

Q He had a race mare by the name of Lucy Walker? A Yes, sir.

Q Well, who was the rider of Lucy Walker? A We had several boys that rode race horses, I don't know what one rode her.

Q Did you know the names of the several boys that rode the race horses? A One of the older ones was Zeb, William Sweeney got him at the time the negroes were divided.

Q Well, give me the names of the other ones? A Well, this was the name of the one that rode her.

Q I don't know the names of the other ones, do you? (No response.)

Q Now, you say you don't know much about that?

Q I don't know much about that. I don't know to know that there is...



a fraud back there by you.

Q You have plenty of prejudices? A No prejudices of all, if he belonged to my father I would want him to come for his rights.

Q You have been talking about this with people? A No, sir; I don't have to keep my mouth closed on account of George Washington Vann he claims.

Q You have a pretty bitter feeling? A No, sir, I dislike falsehood; I think that man came to my house up here sometime ago and come up here laughing and said I was the case up there and I said there was not but one George Vann, and I said I owned him and he went on to say some of the children, said Mrs. Levere, and that wasn't her name.

Q I want to ask you this question, of all the hundred negroes that your father owned, can you set there was only one by the name of George? A Yes, sir, he had a George, he had been sold before my recollecting.

Q I mean at the time of your father's death? Yes, sir, I know there was not a George; I was ten years old before his death.

Q You say he owned no George at all at that time? A Might have been some little bit of a child I don't know anything about; I said I didn't know much about the field negroes.

Q You were ten years of age when your father died and you swear now that not one of the different hundred slaves he owned, not one had the name of George? A I know of the children one of them drawn one by the name of George and that was me.

Q Now, how many Johns were there and how many Jacks? A There were several.

Q And several Joes? A There is one Joe here.

Q What is his name? A I believe we called him Joe Bruner by his father.

Q And several Harrys? A One.

Q But there was not any George at all except the one you got?

A Not that I know of.

Q Well, now, how old was this Joe Bruner you speak of at the time of the death? A I don't know whether he was born then or not, but he was around our house there a great deal. Wonder where he is; I guess he can tell the truth you seem to think old George can tell the truth.

Q Now, when did you first have it brought to your mind that Joe Bruner had been a slave of your father? A First met him I know him by his looks because his grandmother was one of mother's main cooks.

Q When did this meeting take place you speak of? A Here this morning.

Q You hadn't seen him before for how long? A Oh, I used him the day the Federals came to the place, and I think Joe went to the Federals and I followed at him.

Q That was away back in time of the war? A Yes, sir.

Q But you hadn't seen him since? A I don't know whether I had or not; sometimes I meet the old darbies and they always seem glad to see me.

Q You give your testimony you say before the Exam-Compton Commission? A Yes, sir.

Q The work in effect it was now? A I never had any further questions asked me.

Q Did you have any more to say against this man you have just testified to?

THE CROSS-EXAMINATION was only done by Commissioner Keating, and as follows on the part of the Cherokee Nation.

MR. MARTINEZ: What is your name? A. Andy Crossland.

- Q How old are you? A. About 74 years old.
- Q Where did you live before the war? A. In Sequoyah district.
- Q How far from Webbers Falls? A. About twenty miles.
- Q Did you know old man Joe Vann, known as Rich Joe Vann?
- A Yes, sir, I knew him.
- Q Did you know his darkies? A. They sometimes called him Rich Squirrel in Cherokee.
- Q Did he have some slaves? A. Yes, sir, he had quite a number.
- Q Was his folks any relation to yours, to the people you belonged to? A. No, they were no relation.
- Q You know the applicant here, George W. Vann? A. Yes, sir, I know him; I didn't know him before the war.
- Q When did you first know him? A. First time I ever saw him was just across the river from Fort Smith.
- Q When was that? A. It has been about 20 years.
- Q Did you ever visit Joe Vann's darkies before the war? A. Yes, sir, I used to visit them at Webbers Falls.
- Q Did you ever see this man among them? A. No, sir, I never saw him.
- Q Was there a George Vann among them, out by the name of George?
- A Yes, sir.
- Q What became of him? A. One George Vann was arrested, he was just a young man.
- Q Did you know Ben Johnson before the war? A. Yes, sir.
- Q How far did you live from him? A. About ten miles; he lived just across the river from Fort Smith, on this side.
- Q Did you ever visit his darkies before the war, see them?
- A Yes, sir.
- Q Did you ever see this man this applicant, George Vann, down there among them before the war? A. No, sir.
- Q The first few years after the war where did you go; where have you been living since the war? A. I first lived in Illinois about two years and moved into Sequoyah district and lived in Sequoyah district eleven years, and moved back to Illinois district where I now live.

MR. MARTINEZ: Did you know old Joe Vann when he first came to this country? A. This Rich Joe Vann?

Q Yes, sir? A. Yes, I didn't become acquainted with him until he came to Webbers Falls.

Q Well, when was that? A. It must have been something like ten years prior to the war.

Q What year would that be in? A. I am not able to state; I was raised by full blood Cherokees and had no opportunities to keep count of the time.

Q Ask him if he is at the authenticated roll of 1850 as a Cherokee Freedman? A. Yes, sir.

Q How far from Webbers Falls was he living at that time, the witness here? A. About twenty miles, as I stated.

Q From Webbers Falls? A. Yes, sir.

Q Do you know how many negroes Joe Vann brought with him when he came to this country? A. No, sir, we had no right or authority to make any investigation as to any number of slaves a man may have.

Q Did you know how many slaves Jim Vann had? A. I don't know that I knew Jim Vann.

Q Does he say that he does not remember Jim Vann, a son of Joe Vann? A. He just states that he didn't know that he remembers Jim Vann.

COMMISSIONER: Ask him if he knows Jim Vann, a son of Joe Vann.

A. Yes, I had seen him but didn't know him as well as I did his father.

55

**MR. PAULDS:** Well, do you know how many slaves Jim Vann had at that time? A No, sir.

**MR. HASTINGS:** Who did you belong to? A Jack Cochran's father, French Jack.

**COMMISSIONER:** Was he a neighbor of Joe Vann's? A Yes, about twenty miles.

Commission adjourns until one o'clock, P. M. Taking of testimony continued by Stenographer H. D. Green.

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J. O. Hanson, 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. Hanson*

Subscribed and sworn to before me this September 15th, 1901.

*C. R. Beckwith*

Commissioner.

Continued from stenographer's report.

To be filed with: C.F. 5-

Department of the Interior,  
Commission for the Five Civilized Tribes,  
Fort Gibson, I. T., Sept. 13, 1901.

In the matter of the application of George V. Vann, Cherokee Nation, Okla. Territory.

APPEARANCES:

Applicant known:

Applicant in person, and by his attorneys, J. B. Faulstich and A. T. Vollen.

W. W. Hastings, and James Davenport, for Cherokee Nation.

Testimony on part of Cherokee Nation.

DARREL HOACH, being sworn as Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A My name is Daniel Hoach.

Q How old are you? A I can't tell you, I am 60, 70 or 80.

Q Where do you live? A I live in Indian District, Braggs Station.

Q How long have you lived in the Cherokee Nation? A All my days, by recollection, I was in the Cherokee Nation when I come to my recollection.

Q When you could first recollect where were you living? A Down at Webers Falls.

Q Did you ever know Joe Vann, that they called Rich Joe Vann, before the War? A Yes sir.

Q How far did you live from him? A I can't know how far, I lived on one side of the River and him the other.

Q Was you acquainted with his slaves that he owned? A So far as this I live on this side and he lived on you side of the River, Saturdays and Sundays when I got a chance I would go over there Sunday and run after the and what you know, on a courtin' expedition.

Q Well you had been on this place? A Yes sir.

Q Did you ever see this man by the name of George V. Vann, who sits here there around Joe Vann's place before the War? A Well, Joe Vann had a colored man that they called George.

Q Well was it this fellow that's here? (Indicating). A This is not the man I saw there.

Q Is this the man that was around that they called George? A Oh no, that's what I am telling you now, it wasn't him, no sir, I am confident it wasn't him; he ain't the man; that man, the last I saw of that man just a while after the War commenced, the last I saw of him he run away with some colored people, I think some of his relatives, and went North.

Q And you have never seen him since? A No sir, I saw his brother Kings, and asked his brother about him, that's all.

BY MR. FAULSTICH:

Q All you know is that this last time George Vann that went North?

Q All you proposed to say is that this isn't the George Vann went North? A No, that ain't the question they asked me; they asked me was this the George Vann that belonged to Vann? I say this ain't him.

Q You didn't know how many slaves he had owned, George? A No sir.

Q Did you know all of his slaves? A I knowed all the old ones, pretty much; there was the oldest one there there used to be an over bear they called Isaac, David, and three or four others there, but I have lost the names pretty much. Daniel Vann, that was a brother of this George Vann, and I knowed him.

Q Did you know the names of all of them? A No sir.

Q You know how many George Vann owned? A No sir.

Q What have you a record of? A I don't know.

Q What have you a record of? A I don't know.

- Q May have been a dozen Georges? A Well I didn't know them.
- Q You don't know how many slaves he had? A No sir, I was a slave myself, and couldn't count them, nor nothing about it, I was over there on a courting expedition and around among the young girls and back home.
- Q Who else was a slave holder, big slave holder down there? A A Te was the biggest. And there was John Brown, he lived down on the River from Vann.
- Q How many slaves did he have? A I don't know, I think he had three or four women and I think there was four or five men, yes.
- Q Did Webber live over there? A Webber lived on this side of the River.
- Q At Webbers Falls? A Yes sir.
- Q How far was that from you? A Well, it's about a mile and a half, maybe not so far, on this side of the River, old Webber lived. He had a big store up there.
- Q When did you first get acquainted with Joe Vann? A Well I could not say, but after he come up on the boat and he got settled down there and you find out pretty much, his traveling around, he owned a good many colored people; I would see him across on this side once in a while.
- Q What boat did he come in on? A Don't know.
- Q Were you there when he came in? A Oh no, I think not; oh no, I paid no such attention; I was a slave; I couldn't pay such attention to that.
- Q You had about all you could do to look after your master? A That's right, only every Sunday.
- Q Joe Vann was away from there, go pretty much on his steamboat? A He did run on the boat, yes sir.
- Q He was a race horse man? A Yes sir.
- Q Raced horses all through the country? A Well I don't know about through the country, but he did talk about Webbers Falls, that's all I know about it.
- Q Just what you know is round there, that doesn't amount to very much? A Well, what you ask me I answer in the best I can.
- Q You have been with the Daves Commission, you are employed by the Cherokee Nation? A Yes sir.
- Q Get two dollars a day right along? A Well, if they give it to me I will.
- Q Well, do you get it or don't you get it? A I don't know, sir.
- Q Aint you got anything yet? A I have got some and some I aint.
- Q But you expect to get it? A Well I don't know, depends upon our circumstances, I can't tell what they do.
- Q Going to work for nothing? A Well, if I can't help myself what else can I do?
- Q You know the colored people, slaves, that Jim Vann had? A Some of them.
- Q Didn't know all of them? A After old man Vann died, -he got blowed up, - Jim Vann he married Lewis Ross' daughter, I think, it was anyhow among them Rosses, and he took some of the slaves over there at Tablequah, some of the slaves, I reckon it was his portion of the starkins he drased; he stayed there a while with them and then he sold them; there was a merchant called Emerson bought them slaves to send them off to his children, I don't know where they lived.
- Q You don't undertake to swear that George Vann was not a slave of Jim Vann? A He is not the man that I knowed as George Vann.
- Q You have said there was a George Vann, slave of Jim Vann, went Fort some place? A Yes sir.
- Q Now I am asking you whether or not you are going to swear that he, George Vann, wasn't a slave of Jim Vann? A Well, I say if he was I didn't know him.
- Q But you can't swear whether or not he was? A Well, I suppose if he had been and I never saw him how could I swear it; but there was a George Vann, and I did see; I asked his brother about him and he

George W. Vann cont'd 3

said he get dranded up here North somewhere.

Q But you are not swearing he wasn't the slave of Jim Vann? A Not  
he ain't the one I saw.

BY MR. DAVENPORT:

Q Do you know whether this George Vann was a slave of old Jim Vann  
or not? A Not that I know of; Not that I know of he wasn't; I don't  
know that I ever seen him until I saw him around this payment, that  
is the first time I ever saw him to my knowing at all.

Q You don't know whether he was or was not a slave of Jim Vann?  
A No sir.

Q Do you know anything about the slaves Mayfield got after Joe Vann  
died from the estate? A No sir, I don't know anything about the  
who draws the estate.

Q Do you know whether or not Mayfield got any slaves? A Not no  
more than say so; I heard them talking about Mayfield had slaves,  
but to see it and know it, I don't know.

Q All you know is what they talked about it? A Yes sir, that's all.

JOE JOHNSON, being sworn by Commissioner Needles, testified  
as follows:

BY MR. DAVENPORT:

Q State your name, and age and place of residence please? A I am  
51, going on 52.

Q Well, what's your name first? A Joe Johnson.

Q And your post-office? A Puskogee.

Q How long have you lived in the Indian Territory? A Born  
and raised here, been here all my life.

Q What part of the Territory was you raised in? A Sequoyah District.

Q Was you a slave before the war? A Yes sir.

Q To whom did you belong? A Ben Johnson.

Q Was you acquainted with the slaves that was living on Ben John-  
son's place before the war? A Yes sir.

Q Is this man here, who is known now as George W. Vann, belong to  
Ben Johnson or work on Ben Johnson's place there before the war  
or at the breaking out of the war? A Never did see that man before  
until about 10 or 12 years ago in this District.

Q When did you come back to the Nation after the war closed, or  
did you leave it? A I left it.

Q When did you come back? A Never wasn't declared that we come  
back.

Q To what point did you go when you come back? A Along on our old  
place in Sequoyah, Ben Johnson's place; lived there seven years,  
built a house there, and then went to Flint District.

Q When you came back down there about the place where was this man  
George W. Vann, living there? A No sir.

Q When did you first see him? A Right here in this District; there  
was a big meeting going on here.

Q About how long ago? A Well I say it had been about 10 or 12  
years ago since then; they had a big meeting here; that's the first  
I remember seeing him right there at that meeting.

Q And you worked the old Ben Johnson place several years before  
you come back here? A Eight years.

Q And he wasn't in there then? A No sir.

Q And he never was there before that? A Never was; I ain't never  
noticed a stranger in his place at the place.

BY MR. BAULES:

Q You are 51 years old? A Yes sir.

Q You were a slave before the war? A Yes sir.

Q What were you working at before the war? A Working places for  
young master.

Q Where did you meet? A I rode some roads in Mississippi and some  
time in Sequoyah on the water bridge; I don't know what they was  
at that time; that's what we used to call it.

Q Was that all you ever doing, riding roads? A Yes sir.

- Q How long before the war was it you began riding races? A I couldn't tell you.
- Q Ten years before the war, was that I suppose? A I don't know. I said, I wouldn't put no time, because I don't know nothing about no dates.
- Q You mean the war between the North and the South? A Yes sir.
- Q Did you ride race horses for several years before the war?
- A Yes sir.
- Q How much did you weigh? A Well I don't know anything about that, I may have weighed a good deal, I don't remember them ever weighing me.
- Q How old were you when you started to ride race horses? A I don't know, but I was big enough to hold horses without being girded on, and able enough.
- Q When did Ben Johnson go away from there? A When the war was going on, I couldn't tell you what year.
- Q How old were you when the war started? A I couldn't tell you nothing at all about that; I am just telling you what I know and no more. But that man there was never out of place, I know that.
- Q On those places? A Ben Johnson's.
- Q You were there all the time? A Yes sir, never was nowhere else until we started south; they taken me away from there and there wasn't but three old men left there.
- Q I thought you said you went away to ride races? A I said I rode races.
- Q Wasn't you away from there riding races? A Well how long was I away, no longer than the race was run, and then I was in there again.
- Q You were how old then? A I don't know how old I was; if you want to find out I can have a man brought here that's got his daddy's books, one of the grand-sons of Ben; if that's what you are after.
- Q Didn't Ben Johnson go from that place on the bend of the River between Arkansas and Poteau before he went off? A That's when he first left home with his negroes.
- Q He went onto the river and died, didn't he, and some of his negroes came back? A He was on his way back when he died; didn't die at the River.
- Q His negroes came back? A Yes sir.
- Q Did he have two negroes named Mose and Green and Aron? A Aaron was my oldest brother and Green was his son; I don't know where he gets the Green part; I know who he is.
- Q Who did you belong to you say? A Ben Johnson.
- Q Was that all the kind of work you did, was to ride horses? A That's all I done.
- Q That's all you ever did? A Yes sir.
- Q You didn't didn't work down there in the Salt Licks? A No sir, I don't know nothing about no Salt Licks; I used to hear them talk about Mackey's Lick, but I don't know to-day where it is.
- Q Do you know whether or not Jim Vann hired a negre to Ben Johnson for a thousand dollars? A No sir.
- Q Don't know anything at all about that? A No sir.
- Q Buried the thousand dollars? A Don't know nothing about it, never heard of it before.
- Q There are lots of things you never heard of ain't there? A That's all right about that, but that's what I know about it; that man was never in the yard.
- Q Were you in the yard all the time? A Yes sir, right on the place only when they took me out to ride horses; I knowed Ben a stronger one.
- Q Well you seem to be pretty smart for a boy 15 or 11 years of age? A That's all right about my smartness, I am smart enough to make an honest living.
- Q Are you on the 1880 roll? A Yes sir.
- Q Charles Brantley? A Yes sir.

George W. Vann cont'd 5

Q When did you get back to this country after the war? A I have done told just what time I come back here, and you aint getting no more out of me; when we come back here space wasn't declared; that's what they told me; we saw soldiers here that was mustered out after we come here.

Q Where did you come to? A Right to our old place, on this side of the River.

Q How far was that from Fort Smith? A I call it about 2 miles; I come right there and build a house and stayed there eight years.

Q You never saw this man at Fort Smith at all? A No sir, I first saw him right here about 15 years ago, at a big meeting.

Q You undertake to swear he wasn't here during that time? A He might have been in this country, but I never saw him.

Q You never saw him around Fort Smith right after the war?

A No sir.

Q You are not going to say he wasn't there? A He might have been there for all I know; I never saw him there.

Q You don't know where he was living? A No sir, I don't.

BY MR. L. PAYNE, being sworn by Commissioner Needles. testified as follows:

BY MR. LAVENPORT:

Q State your name, age and place of residence? A Gabriel L. Payne; 15 years old. Cherokee Nation, Sequoyah District, my post-office is Fort Smith, but I live on this side of the River.

Q How long have you lived in Sequoyah District? A Since '69.

Q What portion of Sequoyah District with reference to Fort Smith, Arkansas, have you been living? A Right across the river from Fort Smith, right on what you would call the landing.

Q Are you acquainted with a colored fellow who goes by the name of George W. Vann now? A Yes sir.

Q This gentleman who sits there? (indicating) A Yes sir.

Q How long have you known him? A I have knowed him since about February or March, '77, I couldn't say positive, about the last of February or the first of March.

Q Where did you first see him? A I first saw him there at home.

Q On your farm? A Yes sir.

Q Did you have any business transaction with him that makes you remember? A First business I had with him he picked cotton for me.

Q Was there any other transaction that followed that? A Well he has been working for me off and on up until - I don't think the old man has done any work for me in the last three or four years.

Q When he first came to your place how long did he stay before he brought his family, if he brought them at all? A My recollection he was there about two or three weeks before he brought his family.

Q Did you have any conversation with him in regard to where his family was? A He said they was at Argenta.

Q If you had anything to do with aiding him bring his family I wish you would state the circumstances? A When he was picking cotton for me he wanted money to get his family from Argenta, from what was Cherokee at that time, - Cherokee proper now is 4 miles north of what was Cherokee then, - and he got me to pay the railroad agent at this end of the line the money for what his freight and things would be, and the agent ordered the agent at the other end to send them up; I give the agent the money to transfer his family.

Q Did his family come? A Yes sir.

Q That was about what year? A '77.

BY MR. FAULDS:

Q That was in 1877? A Yes sir.

Q Came from Argenta? A I don't know whether he came from there or what; he said he did.

BY MR. LAVENPORT:

Q From the time you came to your place there in Sequoyah District, in '69, up to the time George came to your house in '77 had you seen



George F. Vane said:

him in that locality or had he been living in that locality? A Yes that I know of.

BY MR. PAULS:

Q He had some land down there near Fort Smith in the Cherokee Nation that you wanted to get, and you had him arrested did I I did not.

Q Well, it was brought about that he was arrested and taken over to Fort Smith; wasn't you there at the trial giving evidence against him? A Yes sir, I say he wasn't arrested in regard to that land at all.

Q He was arrested for cutting timber on Indian land? A Yes sir.

Q Did you have him arrested? A No sir.

Q You were instrumental in having him arrested? A No sir.

Q Did you have a finger in it? A No sir.

Q But you were there as a witness? A Not against him.

Q Didn't appear there as a witness? A Not against him.

Q You were there in the trial? A Yes sir.

Q Did you testify in the case? A No, in his case.

Q Whose case? A Taylor named Hicks.

Q Do you remember the facts given? A No sir, I think it was Clayton or Road.

Q Prosecutor? A Yes sir.

Q In Table-mob? A Yes sir.

Q You were interested in that trial? A I was not, not in that trial.

Q Didn't care how it went? A Yes sir I did.

Q You wanted him acquitted? A No sir.

Q You want him convicted? A I did.

Q You were claiming that and he was one? A I was not.

Q Well they had a trial over there? A Yes sir.

Q Was the jury without retiring from the box found he was a Cherokee Indian? A I don't know the decision in regard to that, I think Judge Parker claimed that on regard to his case being on contrary way between the United States Government and the Cherokee Nation that he wouldn't take jurisdiction because it might have some figure in his case.

Q You knew the jury found he was a Cherokee citizen? A Yes sir, I do not.

Q Do you want to see it? A No sir, I don't care to, it's none of my business.

Q After that trial, what place you went and he over and had him arrested and brought by at Muldrow? A I did not.

Q Wasn't he taken there and tried? A No, he wasn't tried there, he was suing him there, he was just suing for a piece of land.

Q Didn't try him there then? A No sir, we brought the suit there at Muldrow.

Q Wasn't he turned loose there? A No, he kept us in the case there at that court, you wouldn't call it turned loose.

Q They decided there also that he was a Cherokee Indian? A No sir, I don't think they did, my brother attended to the trial at that time and when the writ went against us I took an appeal to the higher court and Taylor beat him at last.

Q Got it then here before the Cherokee Indian and took him?

Q Got it before the United States Court at Tahlequah.

Q That year was that in? A Well I couldn't say positive, about three or four years ago.

Q You say this suit was had at Muldrow and over some land? A Yes sir.

Q You were bringing action against him for possession of the land? A He had sold us some land and then went and leased it up again, and he brought suit for possession.

Q Is that you this thing? A Yes sir.

Q That year was that in? A I can't be positive, I think it was in '92 or '93.

Q What year was you there? A Yes sir.

Q Was he in any other place in '92 and '93? A I don't know.

Q Was he living there right along from 1877 until that time, '85 or '90? A No, in '81 I think, I won't be positive, I think it was '81, I bought everything he had, and he left this country, started to Cuba so he said, and he was gone a little over a year, probably, I ain't certain about that.

Q You said you were 45 years of age? A Yes sir.

Q And you had lived down there since 1869? A Yes sir.

Q How far were you living from Fort Smith in 1869? A Before we moved to where we are living now?

Q Yes? A We lived at Greenwood, about 16 miles from Fort Smith; I was born there, but during the war when trouble came here we were hop, skip and jump about in Little Rock and Fort Smith, and in '66 I was going to school there at Fort Smith.

Q I want to know how long you lived at Greenwood 16 miles from Fort Smith? A I was born there I tell you.

Q How long after 1869 did you leave there? A I told you we left there in 1869 and moved to this place where we are living now; that's right across the river from Fort Smith, I think in the neighborhood of 25,000 feet.

Q Then you have lived there ever since 1869 right across the river from Fort Smith? A Yes sir.

Q You never saw anything of him now up until 1867? A No, no, 1877, then, I know of.

Q You might have seen him without knowing it? A Yes sir.

Q You know there is a whole lot of white witnesses around Fort Smith that knows he was around there? A I don't know anything about that.

Q Did you hear his trial at Fort Smith? A Yes sir, but I don't know that anything of that kind was brought up, I don't know that it was or wasn't, it has been a long time.

Q Did the Indian Courts have jurisdiction over non-citizens at the time this case was brought up at Tadlow? A

P. DAVENPORT: That is a matter of law.

A I believe they wouldn't throw it out on account of non-jurisdiction; I think the Cherokee courts throwed it out on that ground.

Q Threwed it out? A Yes sir.

Q Well then you didn't beat him there? A I beat him in the suit in the United States court, where I could get jurisdiction hold of him.

Q There was a United States Court at Tahlequah at that time was there? A Yes sir.

Q He was paid for the piece of land wasn't he? A Oh we paid him for that piece of land at first before we ever commenced a law suit and then afterwards he went and claimed it to be his own.

P. DAVENPORT:

Q Are you a citizen of the Cherokee Nation? A I believe you people below claimed I was not, I believe the Cherokee Nation accepts me as a citizen.

Q Not as a citizen by blood? A No sir, by adoption.

WILLIAM JONESON, being sworn by Commissioner Tadlow, testified as follows:

P. DAVENPORT:

Q State your name? A William Joneson.

Q How far do you live? A Bragan Station.

Q How old are you? A I don't know, sir, exactly how old I am.

Q Are you a Cherokee or Cherokee citizen? A Cherokee.

Q Are you acquainted with George W. Vann there? A I have seen him.

Q About how long has it been since you first met him? A About 1 or 2 years ago.

Q When you met him about 1 or 2 years ago where did you meet him? A First time I met him was out at Tahlequah.

Q That was in the Cherokee Nation? A Yes sir.

George W. Vann cont'd 8

Q When you met him there did you have any conversation with him in regard to Choctaw citizenship? A No sir.  
Q Did you have any conversation as to any kind of citizenship, as to his being a Choctaw or any thing? A No sir.  
Q When was the next time you met him? A At Fort Smith.  
Q Did you have any conversation with him at all at any of these meetings with reference to his Choctaw citizenship? A No sir, I didn't.  
Q Well then, you had no conversation with George at all with reference to his being a Choctaw Freedman, Choctaw Freedman, Choctaw by blood or Cherokee by blood? A No sir.

ALEXANDER DANN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:  
Q Give the clerk your name? A Alexander Dann is my name.  
Q Are, and your present place of residence? A My age, I am going on 63, and where I live now?  
A Yes sir. A I live An Sequoyah District, down near Pawpaw.  
COM' NEEDLES: Is Pawpaw your post-office? A Yes sir.

BY MR. DAVENPORT:  
Q How long have you been there? A About ten years; I come there in '91.

Q Where had you lived previous to coming to the Cherokee Nation?  
A In the State of Arkansas, below Little Rock, in Pulaski County.

Q How long had you lived there? A I have been there ever since the year when I came out of the army I was in that neighborhood in '66 I believe, '66 or '65.

Q During the time you lived in the State of Arkansas, Pulaski County, near Little Rock, did you ever know a colored man who went by the name of George W. Vann? A Yes sir.

Q Have you seen that man since you came up here in this case?  
A Yes sir.

Q By what name is he known now? A George W. Vann they say.

Q Is that Vann who sits there? (Pointing to applicant.)  
A Yes sir.

Q About how long did he live down there after you got acquainted with him? A I wasn't acquainted with him very long. I saw him down there in April, '74, and when I heard from him again he was in the Territory, in '77.

Q You then heard of him again in the Territory in '77? A Yes sir.

Q Did he ever talk to you anything about citizenship up here?  
A He said something to me about it.

Q Did he say anything to you about proving up or speak to you about he having applied, or anything about that? A

ATTORNEY GENERAL objects.

BY COM' NEEDLES: Any conversation he had with Vann was proper.

Q State what he said to you about citizenship? A He was at my house. Told me I could get a right here if I wanted it. He could get it on the roll. I told him I didn't fool with Uncle Sam, because Uncle Sam was a dangerous man, and I considered myself one of his men. Fooling with the Government we might get into trouble. My wife advised me not to have anything to do with it.

BY MR. NEEDLES:

Q When did he tell you that, about your being placed on the roll as a Cherokee Freedman? A Well it was about the year of '94. (To applicant): You remember it Vann, you some way there preaching?  
Q Wasn't you at the time relating citizenship in the Cherokee Nation? A Never did.

Q Of your own accord? A Never did, and I never will.

Q Did Vann voluntarily approach you on this subject, of his own accord? A No sir.

Q Without any solicitation on your part? A Certainly, he was staying all night at my house; he was preaching around there, and

George W. Vann cont'd 9

ting up a church, and was telling what a chance we had to get a home.

Q That was near Little Rock? A No sir, that was right here in the Cherokee Nation in '94.

Q I will ask you in reference to this conversation about his getting you on the roll, didn't you first meet him with the remark that you knew him to be down there at Little Rock during the Brooks and Baxter war, and that if he could come to the Territory you were as much entitled to do it as he? A I never had a conversation with him around Little Rock. I will tell you just how I knew him: Charley Morris got into a drunken spree right there when Brooks was making a speech, and he said now boys, Brooks said, now boys, would they back him in taking the Governor's seat, and we agreed that we would. Well this man Morris, he was drunk, and when he got drunk McKamy came in to take him, George McKamy; that's how come he to know this George McKamy, as a constable. We boys lived in Hill Township and McKamy lived in Eastman, and we wouldn't let him have him; took Morris away from him. Next time I heard from George McKamy he was here in the Territory; time Snowden come here to see Charley Morris, and said George McKamy was here in charge of a church, and Morris was one of his members, the man he had tried to arrest.

Q When was the first time you ever met George McKamy, alias George W. Vann, in your life? A It was in April, '74.

Q Where at? A At New Home Church, in Pulaski County, Eastman Township.

BY COUNSEL WHEELER: Q Was it in Arkansas? A Yes sir, in Arkansas.

BY MR. MORRIS:

Q Did he have a family? A I don't know anything about his family, I never saw him no more after that until I come up here; I may have saw him in Argenta town in passing, I don't remember though whether I did or not; but that's the time I saw George McKamy.

Q Now from this particular time when was the next time you met him, and where was it? A I met him right here in the Territory, right around Pappaw; he come there in '74 to get up a church.

Q Come to Pappaw in '74? A Not in '74, but in '94; '74 I saw him at the Brooks and Baxter war.

Q Now isn't it a fact that you have been instructed to tell a certain line of testimony in regard to this matter? A No sir.

MR. DAVENPORT: By whom do you undertake to say he has been instructed, No?

MR. MORRIS: I haven't charge of any one.

COUNSEL WHEELER: That's by-play; go on with the examination.

Q Where do you live now? A I live in Sequoyah District.

Q How near did you come from when you came to Pappaw? A I came from Pulaski County.

Q Where is that? A In Arkansas.

Q Do you live within close proximity of George W. Vann now? A I guess live six or seven miles up off; I never has been to his house; he lives somewhere down about Cherokee and I live near Pappaw.

Q When you first met him in 1874 in Little Rock, as you have affirmed, where did he come from? A I do not know; some.

Q Never had any conversation with him as to where he come from? A No sir.

BY COUNSEL WHEELER:

Q When you had the conversation with George W. Vann here that you refer to in your testimony in regard to statements he made to you as to getting you on the roll, did he say anything about getting on the roll himself? A He said come on the roll; that is, he said he had a right here, and he could get me or any of my family.

Q He didn't say he was going to try to get a right, but said he had a right? A Yes sir.

George W. Vann cont'd 9

ting up a church, and was telling what a chance he had to get a home.

Q That was near Little Rock? A No sir, that was right here in the Cherokee Nation in '94.

Q I will ask you in reference to this conversation about his getting you on the roll, did you first meet him with the remark that you knew him to be down there at Little Rock during the Brooks and Baxter was, and that if he could come to the Territory you were as much entitled to do it as he? I never had a conversation with him around Little Rock. I will tell you just how I knew him: Charley Morris got into a drunken spree right there when Brooks was making a speech, and he said now boys, Brooks said, now boys, would they back him in taking the Governor's seat; and we agreed that we would. Well this man Morris, he was drunk, and when he got drunk McKamy came in to take him, George McKamy; that's how come we to know this George McKamy, as a constable. We boys lived in Hill Township and McKamy lived in Eastman, and we wouldn't let him have him; took Morris away from him. Next time I heard from George McKamy he was here in the Territory; time Snowden come here to see Charley Morris, and said George McKamy was here in charge of a church, and Morris was one of his members, the man he had tried to arrest.

Q When was the first time you ever met George McKamy, alias George W. Vann, in your life? A It was in April, '74.

Q Where at? A At New Hope Church, in Pulaski County, Eastman Township.

BY COX'S NEEDLES: Q Was it in Arkansas? A Yes sir, in Arkansas.

BY MR. McREA:

Q Did he have a family? A I don't know anything about his family, I never saw him no more after that until I come up here; I may have saw him in Argenta town in passing, I don't remember though whether I did or not; but that's the time I saw George McKamy.

Q Now from this particular time when was the next time you met him, and where was it? A I met him right here in the Territory, right around Pappaw; he come there in '74 to get up a church.

Q Come to Pappaw in '74? A Not in '74, but in '94; '74 I saw him at the Brooks and Baxter war.

Q Now isn't it a fact that you have been instructed to tell a certain line of testimony in regard to this matter? A Yes sir.

MR. DAVENPORT: By whom do you undertake to say he has been instructed, Ho?

MR. McREA: I haven't charged any one.

COX'S NEEDLES: That's a try-play; go on with the examination.

Q Where do you live now? A I live in Sequoyah District.

Q How would did you come from that you came to Pappaw? A I come from Pulaski County.

Q Where is that? A In Arkansas.

Q Do you live within close proximity of George W. Vann now? A I guess live six or seven miles up off; I never had been to his house; he lives somewhere down about Cherokee and I live near Pappaw.

Q When you first met him in 1874 in Little Rock, or you have a friend, where did he come from? A I do not know; guess.

Q Never had any conversation with him as to where he come from? A No sir.

BY COX'S NEEDLES:

Q When you had the conversation with George W. Vann here that you refer to in your testimony in regard to statements he made to you as to getting you on the roll, did he say anything about getting on the roll himself? A He said down on the roll; that is, he said he had a right law, and he could get me on and my family.

Q He didn't say he was going to try to get a right, but said he had a right? A Yes sir.

JOSEPH DUNK, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

- Q State your name? A Joseph Dunk.  
Q Where do you live? A About eight miles south of Maldrow.  
Q What is your post-office? A Pawson.  
Q How old are you? A About 48.  
Q Where did you live before you came to the Cherokee Nation? A I lived up until '67 in Polk County, Arkansas; after that I lived in Pulaski County, Arkansas, until '90.  
Q Did you ever know a colored man both here named George W. McKany? A Yes sir.  
Q Is the gentleman sitting there the same man you know by that name (indicating applicant) A Yes sir.  
Q What was he doing down there when you saw him? A When I first saw him I was working on the Little Rock & Memphis Railroad, I think that was in '72; he was there at Argenta; I don't think he was following anything but following the courts around there, - and in '73 I worked in the bottom, and he was constable in Argenta, in the latter part of '73; I disremember whether it was Eastman or Hill Township at that time that he was in, the township was cut into since then.  
Q The second time you saw him around there he was constable in '83? A Yes sir. And I think in '72 he was constable too, or deputy or something, if I mistake not.

Q How long after that did you remain around Little Rock? A I remained there until '74, the Brooks & Baxter war; I went up in Perry County and stayed about four months there; dropped back to Terry's Ferry; it is called Scott Crossing now.

Q Was McKany still in Argenta when you left in '74? A When I left there he was.

Q Do you know whether he had a family then? A I don't know.

Q How long ago did you come up here? A In '91.

Q Are you living down there near where your brother Alex is? A Yes sir.

Q Have you, since you moved to the Territory, had any conversation with George W. Vann now, who goes by the name of George V. Vann now? A When I first saw him out in the Territory I had been down to Fort Smith attending court, and at Cherokee I think he got on the train, coming up, and I made myself known to him, and I asked him what he was doing and he went on to tell me, I began to then to ask him how land was, about renting lands, and told him where I was living, and he told me he was living near Jacktown, I don't know where that was, and I asked him was he renting, or some way that way, and he mentioned to me that he had a right here, and I began to question him a little further and he said he was a citizen, and he said it was no trick to be a citizen.

BY MR. FAULDS: Now your honor, I object to this evidence; it's all right to put in any evidence as to what George Vann said as to his own citizenship, but as to what he said about somebody else's citizenship would be entirely incompetent, immaterial, to this case; get nothing to do with the case. Might as well bring up a conversation relating to any other matter entirely foreign to the issue. Anything he might say as to his own citizenship might be admissible, but as to what he had said of this matter is out and I believe has nothing to do with the case.

BY MR. DAVENPORT: I will state to the Commission that I will stop the witness whenever he gets off.

BY COM'R NEEDLES: Any conversation George W. Vann had with the witness about his own case is admissible.

BY MR. DAVENPORT:

Or what he might say about making these fellows, if anything.

BY COM'R NEEDLES: I don't think that's entirely competent, and

he might have said; he is not charged.

BY MR. HASTINGS, Cherokee Representative: This Commission is getting at the facts in these cases, and if this man assumes that that man has done that with these people and wants to get up citizenship cases when he has no rights and he knows he has got no rights, this Commission ought to know of it.

BY MR. FAULDS: A man doesn't come here to defend every act of his life. The question is whether George W. Vann is a citizen or not; there are a great many citizens in the country who have been manufacturing evidence for persons who ought not to be - I don't know as I ought to say that, but the Commission has had information that even citizens whose rights were not disputed had been in the business of manufacturing evidence for applicants, and if they had it wouldn't debar them from rights of citizenship if they had.

BY MR. DAVENPORT: It doesn't go into this case to the real reputation of the man, but here comes a man whom this man has known in Arkansas and says I have gotten me a right and I can get you up one, and I want him to tell it.

BY MR. DAVENPORT:

Q Did George W. Vann in that conversation about having told you that he had a right up here, and that it was no trick to get a right try to get you to apply, and offer to get up the testimony?

COM'R NEEDLES: You need not answer that. I don't think that is proper in this case.

MR. DAVENPORT: We except; I asked the question so as to get it in the record.

BY MR. McREA:

Q You saw the first time you met the alleged applicant here George W. Vann, was in 1872? A First time I ever remember seeing him, yes sir, as well as I recollect, I won't be positive.

Q Where did you see him? A In Argenta, called Cackleburr town then.

Q And that same year he was commissioned constable? A I don't know whether he was commissioned that year or not; I was working on the railroad and when I saw him in '72 I was working in the yard, and I moved in the bottom and stayed until '73, and when I come back from the bottom in '73 he was appointed constable.

Q Appointed constable? A He was well he was acting constable.

Q Who appointed him? A I don't know; I was in the bottom at that time, when he was appointed.

Q How long did he remain in Argenta? A He remained there in Argenta up until the Brooks and Baxter was, that was in '74.

Q How long did he remain in Argenta after the Brooks and Baxter war was over? A I don't know, sir.

Q When did you see him last in Argenta? A '74.

Q Then when did you next see him? A To my remembrance when I next saw him it was '91 or '92 here on the train.

Q Where were you living then? A Living at Sandtown.

Q Did you know him before the year 1872? A No sir, if I did I don't know it. I knew him at the time I say, I might have seen him if he had been about Argenta, but I didn't recollect him from that time up.

Q From the time you first met him until you last saw him was you acquainted with him for a considerable while, a associations with him? A At the time I was in town, while I worked there in the fall of '72 I saw him every day, and when I come back in '73 I was in the court there I believe.

Q Did he have any occupation besides that of a constable? A Not as I know of.

COM'R NEEDLES: Case on the part of the Cherokee Nation  
will be adjourned until eight o'clock to-morrow morning.

George W. Vann cont'd 12

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

M. D. Green

Subscribed and sworn to before me this September 23rd, 1901.

A. R. Beckwith

Commissioner.



Continued from stenographer Rossion.  
To be filed with C.F. D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., Sept. 13, 1901.

In the matter of the enrollment of George W. Vann, as a Cherokee Freedman;

AFTERNOON:

Appearance:

Applicant in person, and by his attorneys, J. F. Faulds  
and A. G. Wood.

W. W. Hastings, and James Havenport, for Cherokee Nation.

-Testimony on part of Cherokee Nation.

DAVID HOACE, being sworn by Commissioner Needles, testified  
as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A My name is  
Daniel Hoace.

Q How old are you? A I can't tell you, I am 60, 70 or 80.

Q Where do you live? A I live in Illinois District, Bragg's Station

Q How long have you lived in the Cherokee Nation? A All my days,  
my recollection, I was in the Cherokee Nation when I come to my  
recollection.

Q When you could first recollect where were you living? A Down at  
Webster's Falls.

Q Did you ever know Joe Vann, what they called Rich Joe Vann, be-  
fore the War? A Yes sir.

Q How far did you live from him? A I don't know how far, I lived on  
one side of the River and him the other.

Q Was you acquainted with his slaves that he owned? A So far as  
this: I lived on this side and he lived on you side of the River,  
Saturday and Sunday when I got a chance I would go over there  
Sunday and run after the she ones you know, on a courting expedi-  
tion.

Q Well you had been on this place? A Yes sir.

Q Did you ever see this man by the name of George W. Vann, who  
sits here there around Joe Vann's place before the War? A Well,  
Joe Vann had a colored man that they called George.

Q Well was it this fellow that's here? (Indicating). A This is  
not the man I saw there.

Q Is this the man that was around that they called George? A Oh  
no, that's what I am telling you now, it wasn't him, no sir, I am  
confident it wasn't him; he aint the man; that man, the last I saw  
of that man just a while after the War commenced, the last I saw  
of him he run away with some colored people, I think some of his  
relatives, and went North.

Q And you have never seen him since? A No sir, I saw his brother  
sitting and asked him brother about him; that's all.

BY MR. FAULDS:

Q All you know is that this isn't the George Vann that went North?  
A Sir?

Q All you pretend to say is that this isn't the George Vann went  
North? A No, that aint the question they asked me; they asked me  
was this the George Vann that belonged to Vann? I say this aint him.

Q You didn't know how many slaves he had named George? A No sir.

Q Did you know all of his slaves? A I knowed all the old ones,  
pretty much; these was the oldest was there, there used to be an over  
hater they called Isaac, David, and three or four others there, but  
I have lost the names pretty much. Daniel Vann out here was a  
brother of this George Vann, and I knowed him.

Q Did you know the names of all of them? A No sir.

Q You know how many Georges there were? A Do not.

Q Might have been a dozen? A Yes sir.

Q Might have been a dozen Joes? A That's right, but I didn't know  
them.

- Q May have been a dozen Georges? A Well I didn't know them.
- Q You don't know how many slaves he had? A No, sir, I was a slave myself, and couldn't count them, but nothing about it, I was over there on a courting expedition and around among the young girls and took home.
- Q The place was a slave holder, big slave holder down there? A A He was the biggest. And there was John Drumm, he lived down on the River from Vann.
- Q How many slaves did he have? A I don't know; I think he had three or four women and I think there was four or five men, yes.
- Q Did Webber live over there? A Webber lived on this side of the River.
- Q At Webber's Falls? A Yes sir.
- Q How far was that from you? A Well, it's about a mile and a half, maybe not so far, on this side of the River, old Webber lived. He had a big store up there.
- Q When did you first get acquainted with Joe Vann? A Well I could not say, but after he came up on the boat and he got settled down there and you find out pretty soon, his traveling around, he owned a good many colored people; I could see him across on this side and in a while.
- Q What boat did he come in on? A Don't know.
- Q Were you there when he came in? A Oh no, I think not; oh no, I paid no such attention; I was a slave; I couldn't pay such attention to that.
- Q You had about all you could do to look after your master?
- A That's right, only every Sunday.
- Q Joe Vann was away from there, he pretty much by his steamboat?
- A He did run on the boat, yes sir.
- Q He was a race horse man? A Yes sir.
- Q Raced horses all through the country? A Well I don't know about the whole country, but he did race about Webber's Falls, that's all I know about it.
- Q Just what you know is found there, that doesn't amount to very much? A Well, what you ask me I answer in the best I can.
- Q You have been with the Negro Commission, you are employed by the Orange and Northern? A Yes sir.
- Q Get two dollars a day right along? A Well, if they give it to me I will.
- Q Well, do you get it or don't you get it? A I don't know, sir.
- Q What you got anything yet? A I have not seen of none I don't.
- Q But you expect to get it? A Well I don't know, depends upon circumstances, I can't tell what they do.
- Q Do you work for nothing? A Well, if I don't help myself what else can I do?
- Q You know the colored people, slaves, that Joe Vann had? A Some of them.
- Q Didn't know all of them? A After old man Vann died, he got blowed up, - Joe Vann he married Lewis Ross' daughter, I think, it was another name than Ross, and he took some of the slaves over there at Raleigh, some of the slaves, I recollect it was his portion of the dardles he drew; he stayed there a while with them and then he sold them; there was a merchant called Roper, bought them slaves to send them off to his children, I don't know where they lived.
- Q You don't undertake to swear that George Vann was a slave of Joe Vann? A He is not the man that I knowed of George Vann.
- Q He was a slave then was a George Vann, slave of Joe Vann, with North some place? A Yes sir.
- Q Now I am asking you whether or not you are going to swear that he, George Vann, wasn't a slave of Joe Vann? A Well, I say if he was I didn't know it.
- Q But you can't swear whether or not he was? A Well, I suppose if he had been and I never saw him how could I swear it; but there was a George Vann and I did see, I owned him another name and he

said he got drowned up here North somewhere.

Q But you are not swearing he wasn't the slave of Jim Vann? A But he ain't the one I saw.

BY COMMISSIONER NEEDLES:

Q Do you know whether this George Vann was a slave of old Jim Vann or not? A Not that I know of; not that I know of he wasn't; I don't know that I ever seen him until I saw him around this payment, that is the first time I ever saw him to my knowing at all.

Q You don't know whether he was or was not a slave of Jim Vann?

A No sir.

Q Do you know anything about the slaves Mayfield got after Joe Vann died, from the estate? A No sir, I don't know anything about them who draws the estate.

Q Do you know whether or not Mayfield got any slaves? A Not no more than say so; I heard them talking about Mayfield had slaves, but to see it and know it, I don't know.

Q All you know is what they talked about it? A Yes sir, that's all.

JOE JOHNSON, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVERPORT:

Q State your name, and age and place of residence also? A I am 51, going on 52.

Q Well, what's your name first? A Joe Johnson.

Q And your post-office? A Puskogus.

Q How long have you lived in the Indian Territory, Joe? A Born and raised here, been here all my life.

Q What part of the Territory was you raised in? A Sequoyah District.

Q Was you a slave before the war? A Yes sir.

Q To whom did you belong? A Ben Johnson.

Q Was you acquainted with the slaves that was living on Ben Johnson's place before the war? A Yes sir.

Q Is this man here who is known now as George W. Vann belong to Ben Johnson or work on Ben Johnson's place there before the war or at the breaking out of the war? A Never did see that man before until about 10 or 15 years ago in this District.

Q When did you come back to the Nation after the war closed, or did you leave it? A I left it.

Q When did you come back? A Never wasn't declared when we come back.

Q To what point did you go when you come back? A Down on our old place in Sequoyah, Ben Johnson's place; lived there seven years, built a house there, and then went to Flint District.

Q When you came back down there about the place where was this man George W. Vann, living there? A No sir.

Q What did you first see him? A Right here in this District; there was a big meeting going on here.

Q About how long ago? A Well I say it has been about 10 or 15 years ago since then; they had a big meeting here; that's the first I remember seeing him right there, at that meeting.

Q And you worked the old Ben Johnson place several years before you came back here? A Eight years.

Q And he wasn't in there then? A No sir.

Q And he never was there before that? A Never was, I was big enough to notice a stranger if he came on the place.

BY MR. DAVERPORT:

Q How old are you now? A Yes sir.

Q Were you a slave before the war? A Yes sir.

Q What were you working at before the war? A Working sugar for my young master.

Q Where did you live? A I was born raised in Mayeville, and then down in Sequoyah on the Center Prairie; I don't know what they call it now, that's what we used to call it.

Q Was that all you were doing, riding sugar? A Yes sir.

Q How long before the war was it you begun riding races? A I couldn't tell you.

Q Ten years before the war, was it I suppose? A I don't know I said, I wouldn't put no time, because I don't know nothing about no dates.

Q You mean the war between the North and the South? A Yes sir.

Q Did you ride race horses for several years before the war?

A Yes sir.

Q How much did you weigh? A Well I don't know anything about that, I may have weighed a good deal, I don't remember them ever weighing me.

Q How old were you when you started to ride race horses? A I don't know, but I was big enough to hold horses without being girded on, and able enough.

Q When did Ben Johnson go away from there? A When the war was going on, I couldn't tell you what year.

Q How old were you when the war started? A I couldn't tell you nothing at all about that; I am just telling you what I know and no more. But that men there was never onout place, I know that.

Q On those place? A Ben Johnson's.

Q You were there all the time? A Yes sir, never was nowhere else until we started south; they taken us away from there and there wasn't but three old men left there.

Q I thought you said you went away to ride races? A I said I rode races.

Q Wasn't you away from there riding races? A Well how long was I away, no longer than the race was run, and then I was in there again.

Q You were how old then? A I don't know how old I was; if you want to find out I can have a man brought here that's got his daddy's books, one of the grand-sons of them; if that's what you are after.

Q Didn't Ben Johnson go from that home on the bend of the River between Arkansas and Potomac before he went off? A That's when he first left home with his negroes.

Q He went onto the river and died, didn't he, and some of his negroes came back? A He was on his way back when he died; didn't die at the River.

Q His negroes came back? A Yes sir.

Q Did he have two negroes named Rose and Green and Aron? A Aaron was my oldest brother and Green was this Inga; I don't know where he gets the Green part; I know who he is.

Q Who did you belong to you say? A Ben Johnson.

Q Was that all the kind of work you did, was to ride horses? A That's all I done.

Q That's all you ever did? A Yes sir.

Q You didn't didn't work down there in the Salt Licks? A No sir, I don't know nothing about no Salt Licks; I used to hear them talk about Mackey's Lick, but I don't know to-day where it is.

Q Do you know whether or not Jim Vann hired a negro to Ben Johnson for a thousand dollars? A No sir.

Q Don't know anything at all about that? A No sir.

Q Buried the thousand dollars? A Don't know nothing about it, never heard of it before.

Q There are lots of things you haven't heard of about there? A That's all right about that, but here's this thing about it, that man was never in the yard.

Q Were you in the yard all the time? A Yes sir, right on the place only when they took me out to ride races; I knowed when a stranger come.

Q Well you seem to be pretty smart for a boy 10 or 11 years of age? A That's all right about my smartness, I am smart enough to make an honest living.

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

Q Charles Freeman? A Yes sir.

Q When did you get back to this country after the war? A I have done told just what time I come back here, and you aint getting no more out of me; when we come back here peace wasn't declared; that's what they told me; we saw soldiers here that was mastered out after we come here.

Q Where did you come to? A Right to our old place on this side of the River.

Q How far was that from Fort Smith? A I call it about 2 miles; I come right there and build a house and stayed there eight years.

Q You never saw this man at Fort Smith at all? A No sir, I first saw him right here about 15 years ago, at a big meeting.

Q You undertake to swear he wasn't here during that time? A He might have been in this country, but I never saw him.

Q You never saw him around Fort Smith right after the war? A No sir.

Q You are not going to say he wasn't there? A He might have been right there for all I know; I never saw him there.

Q You don't know where he was living? No sir, I don't.

GABRIEL L. PAYNE, being sworn by Commissioner Needles. testified as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A Gabriel L. Payne; 46 years old, Cherokee Nation, Sequoyah District, my post-office is Fort Smith, but I live on this side of the River.

Q How long have you lived in Sequoyah District? A Since '69.

Q What portion of Sequoyah District with reference to Fort Smith, Arkansas, have you been living? A Right across the river from Fort Smith, right on what you would call the landing.

Q Are you acquainted with a colored fellow who goes by the name of George W. Vann now? A Yes sir.

Q This gentleman who sits there? (indicating) A Yes sir.

Q How long have you known him? A I have knowed him since about February or March, '77, I couldn't say positive, about the last of February or the first of March.

Q Where did you first see him? A I first saw him there at home.

Q On your farm? A Yes sir.

Q Did you have any business transaction with him that makes you remember? A First business I had with him he picked cotton for me.

Q Was there any other transaction that followed that? A Well he has been working for me off and on up until I don't think the old man has done any work for me in the last three or four years.

Q When he first came to your place how long did he stay before he brought his family, if he brought them at all? A My recollection he was here about two or three weeks before he brought his family.

Q Did you have any conversation with him in regard to where his family was? A He said they was at Argenta.

Q If you had anything to do with aiding him bring his family I wish you would state the circumstances? A When he was picking cotton for me he wanted money to get his family from Argenta, from what was Cherokee at that time, Cherokee proper now is 4 miles north of what was Cherokee then, and he got me to pay the railroad agent at this end of the line the money for what his freight and things would be, and the agent ordered the agent at the other end to send them up; I give the agent the money to transfer his family.

Q Did his family come? A Yes sir.

Q That was about what year? A '77.

BY MR. SAULDS:

Q What was in 1877? A Yes sir.

Q Came from Argenta? A I don't know whether he come from there or not; he said he did.

BY MR. DAVENPORT:

Q From the time you went to your place that is Sequoyah District, in '69, up to the time George came to your house in '77 had you any

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him in that locality, or had he been living in that locality? A Not that I know of.

BY MR. BAILEY:

- Q He had some land down there near Fort Smith in the Cherokee Nation that you wanted to get, and you had him arrested? A I did not.
- Q Well, it was brought about that he was arrested and taken over to Fort Smith; weren't you there at the trial giving evidence against him? A Yes sir; I say he wasn't arrested in regard to that land at all.
- Q He was arrested for cutting timber on Indian land? A Yes sir.
- Q Did you have him arrested? A No sir.
- Q You were instrumental in having him arrested? A No sir.
- Q Did you have a finger in it? A No sir.
- Q But you were there as a witness? A Not against him.
- Q Didn't appear there as a witness? A Not against him.
- Q You were there in the trial? A Yes sir.
- Q Did you testify in the case? A Not in his case.
- Q Whose case? A Well, name of Hicks.
- Q Do you remember the facts proven? A No sir; I think it was Clayton or Reed.
- Q Prosecuted? A Yes sir.
- Q In Tahlequah? A Yes sir.
- Q You were interested in that trial? A I was not, not in that trial.
- Q Didn't care how it went? A Yes sir I did.
- Q You wanted him acquitted? A No sir.
- Q You wanted him convicted? A I did.
- Q You were claiming the land he was on? A I was not.
- Q Well they had a trial over there? A Yes sir.
- Q And the jury without retiring from the box found he was a Cherokee Indian? A I don't know the decision in regard to that, I think Judge Parker claimed that on regard to his case being on controversy between the United States Government and the Cherokee Nation that he wouldn't take jurisdiction because it might have some figure in his case.
- Q You said the jury found he was a Cherokee citizen? A No sir, I do not.
- Q Do you want to see it? A No sir, I don't care to, it's none of my business.
- Q After that trial took place you went with it over and had him arrested and brought up at Waldron? A I did not.
- Q Wasn't he taken there and tried? A No, he wasn't tried there, we was suing him there, we was just suing for a piece of land.
- Q Didn't try him there then? A No sir, we brought the suit down at Waldron.
- Q Wasn't he turned loose there? A No, he kept us in the case there, at that court; you couldn't call it turned loose.
- Q They decided there also that he was a Cherokee Indian? A No sir.
- Q Didn't sign to go there, my brother attended to the trial at that time and when the trial went against us I took an appeal to the higher court and finally beat him at last.
- Q Got it down here before the Cherokee Indians and beat him? A Got it before the United States Court at Tahlequah.
- Q What year was that in? A Well I couldn't say positive, about three or four years ago.
- Q How long that suit you had at Waldron was over this land? A Yes sir.
- Q You were bringing action against him for possession of the land? A He had sold us some land and then went and fenced it up again, and we brought suit for possession.
- Q He sold you this land? A Yes sir.
- Q What year was that in? A I can't be positive, I think it was in '85 or '86.
- Q When he sold you the land? A Yes sir.
- Q Was he living down there in '85 and '86? A I can't be sure.

Q Was he living there right along from 1877 until that time, '85 or '86? A No, in '81 I think, I won't be positive, I think it was '81. I thought everything he had, and he left this country, started to Cuba so he said, and he was gone a little over a year, probably, I ain't certain about that.

Q You said you were 46 years of age? A Yes sir.

Q And you had lived down there since 1869? A Yes sir.

Q How far were you living from Fort Smith in 1869? A Before we moved to where we are living now.

Q Yes? A We lived at Greenwood, about 16 miles from Fort Smith; I was born there, but during the war when trouble come here we were hop, skip and jump about in Little Rock and Fort Smith, and in '66 I was going to school there at Fort Smith.

Q I want to know how long you lived at Greenwood 16 miles from Fort Smith? A I was born there I tell you.

Q How long after 1869 did you leave there? A I told you we left there in 1869 and moved to this place where we are living now;

that's right across the river from Fort Smith, I think in the neighborhood of 26,000 feet.

Q Then you have lived there ever since 1869 right across the river from Fort Smith? A Yes sir.

Q You never saw anything of him now up until 1867? A No, no, 1877, that I know of.

Q You might have seen him without knowing it? A Yes sir.

Q You know there is a whole lot of white witnesses around Fort Smith that knows he was around there? A I don't know anything about that.

Q Did you hear his trial at Fort Smith? A Yes sir, but I don't know that anything of that kind was brought up, I don't know that it was or wasn't, it has been solemn.

Q Did the Indian Courts have jurisdiction over non-citizens at the time this case was brought up at Ludlow? A

J.P. DAVENPORT: That is a matter of law.

A I believe they wanted it thrown out on account of non-jurisdiction; I think the Cherokee courts threw it out on that ground.

Q Threw it out? A Yes sir.

Q Well then you didn't beat him there? A I beat him in the suit in the United States court, where I could get jurisdiction hold of him.

Q There was a United States Court at Tahlequah at that time was there? A Yes sir.

Q He was paid for the piece of land wasn't he? A Oh we paid him for that piece of land at first before we ever commenced a law suit and then afterwards he went and claimed it to be his own.

BY COURT REPORTER:

Q Are you a citizen of the Cherokee Nation? A I believe you people believe I was not, I believe the Cherokee Nation accepts me as a citizen.

Q Not as a citizen by blood? A No sir, by adoption.

WILLIAM FORREST, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A William Forrest.

Q How long do you live? A Driggs Station.

Q How old are you? A I don't know, sir, exactly how old I am.

Q Are you a Choctaw or Cherokee citizen? A Choctaw.

Q Are you acquainted with George W. Vann there? A I have seen him.

Q About how long has it been since you first met him? A About 4 or 5 years ago.

Q When you met him about 4 or 5 years ago where did you meet him? A First time I got him was out at Turkkahama.

Q What was in the Choctaw Nation? A Yes sir,

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Q When you met him there did you have any conversation with him in regard to Choctaw citizenship? A No sir.  
Q Did you have any conversation as to any kind of citizenship, as to his being a Choctaw or anything? A No sir.  
Q When was the next time you met him? A At Fort Smith.  
Q Did you have any conversation with him at all at any of these meetings with reference to his Choctaw citizenship? A No sir, I didn't.  
Q Well then, you had no conversation with George at all with reference to his being a Cherokee Freedman, Choctaw Freedman, Choctaw by blood or Cherokee by blood? A No sir.

ALEXANDER DUNN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q Give the clerk your name? A Alexander Dunn is my name.  
Q Age, and your present place of residence? A My age, I am going on 63, and where I live now?  
A Yes sir. A I live in Sequoyah District, town near Pawpaw.

COMMISSIONER NEEDLES: Is Pawpaw your post-office? A Yes sir.

BY MR. DAVENPORT:

Q How long have you been there? A About ten years; I come there in '91.

Q Where had you lived previous to coming to the Cherokee Nation?

A In the State of Arkansas, below Little Rock, in Pulaski County.

Q How long had you lived there? A I have been there ever since the war; when I come out of the army I was in that neighborhood in '66 I believe, '66 or '65.

Q During the time you lived in the State of Arkansas, Pulaski County, near Little Rock, did you ever know a colored man who went by the name of George W. McKay? A Yes sir.

Q Have you seen that man since you came up here in this case?

A Yes sir.

Q By what name is he known now? A George W. Vann they say.

Q Is that the man who sits there? (Pointing to applicant.)

A Yes sir.

Q About how long did he live down there after you got acquainted with him? A I wasn't acquainted with him very long. I saw him down there in April, '74, and when I heard from him again he was in the Territory, in '77.

Q You then heard of him again in the Territory in '77? A Yes sir.

Q Did he ever talk to you anything about citizenship up here?

A He said something to me about it.

Q Did he say anything to you about proving up or speak to you about his having applied, or anything about that? A

ATTORNEY GREGG objects.

BY COMMISSIONER NEEDLES: Any conversation he had with Vann was proper.

Q State what he said to you about citizenship? A He was at my house. Told me I could get a right here if I wanted it. He could get me on the roll. I told him I didn't fool with Uncle Sam, because Uncle Sam was a dangerous man, and I considered myself one of his men. Fooling with the Government we might get into trouble. My wife advised me not to have anything to do with it.

BY MR. GREGG:

Q When did he tell you that, about your being placed on the roll as a Cherokee Freedman? A Well it was about the year of '94.

THE APPLICANT: You remember it Vann; you came over there preaching.

Q Wasn't you at the time obtaining citizenship in the Cherokee Nation? A Never did.

Q Of your own accord? A Never did, and I never will.

Q Did Vann voluntarily approach you on this subject, of his own accord? A Yes sir.

Q Without any solicitation on your part? Certainly, he was staying all night at my house; he was preaching around there, and



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ting up a church, and was telling what a chance we had to get a home.

Q That was near Little Rock? A No sir, that was right here in the Cherokee Nation in '94.

Q I will ask you in reference to this conversation about his getting you on the roll, didn't you first accost him with the remark that you knew him to be down there at Little Rock during the Brooks and Baxter was, and that if he could come to the Territory you were as much entitled to do it as he? A I never had a conversation with him around Little Rock. I will tell you just how I knew him: Charley Morris got into a drunken spree about there when Brooks was making a speech, and he said now boys, Brooks said, now boys, would they back him in taking the Governor's seat; and we agreed that we would. Well this man Morris, he was drunk, and when he got drunk McKamy come in to take him, George McKamy; that's how come me to know this George McKamy, as a constable. We boys lived in Hill Township and McKamy lived in Eastman, and we wouldn't let him have him; took Morris away from him. Next time I heard from George McKamy he was here in the Territory. One Snowden come here to see Charley Morris, and said George McKamy was here in charge of a church, and Morris was one of his members, the man he had tried to arrest.

Q When was the first time you ever met George McKamy, alias George W. Vann, in your life? A It was in April, '74.

Q Where at? A At New Home Church, in Pulaski County, Eastman Township.

BY COM'R NEEDLES: Q Was it in Arkansas? A Yes sir, in Arkansas.  
FY MR. McREA:

Q Did he have a family? A I don't know anything about his family, I never saw him no more after that until I come up here; I may have saw him in Argenta town in passing, I don't remember though whether I did or not; but that's the time I saw George McKamy.

Q Now from this particular time when was the next time you met him, and where was it? A I met him right here in the Territory, right around Pawpaw; he come there in '74 to get up a church.

Q Come to Pawpaw in '74? A Not in '74, but in '94; '74 I saw him at the Brooks and Baxter was.

Q Now isn't it a fact that you have been instructed to tell a certain line of testimony in regard to this matter? A No sir.

MR. DAVENPORT: By whom do you undertake to say he has been instructed, No.

MR. McREA: I haven't charged any one.

COM'R NEEDLES: That's by-play; go on with the examination.

Q Where do you live now? A I live in Sedgwick District.

Q How where did you come from when you came to Pawpaw? A I come from Pulaski County.

Q Where is that? A In Arkansas.

Q Don't you live within close proximity of George W. Vann now? A I guess I've six or seven miles off; I never has been to his house; he lives somewhere down about Cherokee and I live near Pawpaw.

Q When you first met him in 1874 in Little Rock, as you have affirmed, where did he come from? A I do not know, sir.

Q Never had any conversation with him so as to where he come from?  
A No sir.

BY COM'R NEEDLES:

Q When you had the conversation with George W. Vann here that you refer to in your testimony in regard to statements he made to you as to getting you on the roll, did he say anything about getting on the roll himself? A He said he was on the roll; that is, he said he had a right here, and he could get me on and my family.

Q He didn't say he was going to try to get a right, but said he had a right? A Yes sir.

JOSEPH DUNN, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Joseph Dunn.

Q Where do you live? A About eight miles south of Muldrow.

Q What is your post-office? A Pawpat.

Q How old are you? A About 48.

Q Where did you live before you came to the Cherokee Nation? A I lived up until '67 in Polk County, Arkansas; after that I lived in Pulaski County, Arkansas, until '90.

Q Did you ever know a colored man down there named George W. McKary? A Yes sir.

Q Is the gentleman sitting there the same man you know by that name? (indicating applicant) A Yes sir.

Q What was he doing down there when you saw him? A When I first saw him I was working on the Little Rock & Memphis Railroad, I think that was in '72; he was there at Argenta; I don't think he was following anything but following the courts around there, - and in '73 I worked in the bottom, and he was constable in Argenta, in the latter part of '73; I disremember whether it was Eastman or Hill Township at that time that he was in, the township was cut into since then.

Q The second time you saw him around there he was constable in '83? A Yes sir. And I think in '72 he was constable too, or deputy

or something, if I mistake not.

Q How long after that did you remain around Little Rock? A I remained there until '74, the Brooks & Baxter War; I went up in Perry County and stayed about four months there; dropped back to Terry's Ferry; it is called Scott Crossing now.

Q Was McKary still in Argenta when you left in '74? A When I left there he was.

Q Do you know whether he had a family then? A I don't know.

Q How long ago did you come up here? A In '91.

Q Are you living down there near where your brother Alex is? A Yes sir.

Q Have you, since you moved to the Territory, had any conversation with George W. Vann now, who goes by the name of George W. Vann now? A When I first saw him out in the Territory I had been down to Fort Smith attending court, and at Cherokee I think he got on the train, coming up, and I made myself known to him, and I asked him what he was doing and he went on to tell me, I began to then to ask him how land was, about renting lands, and told him where I was living, and he told me he was living near Jacktown, I don't know where that was, and I asked him was he renting, or some way that way, and he mentioned to me that he had a right here, and I began to question him a little further and he said he was a citizen, and he said it was no trick to be a citizen.

BY MR. FAULDS: Now your honor, I object to this evidence; it's all right to put in any evidence as to what George Vann said as to his own citizenship, but as to what he said about somebody else's citizenship would be entirely incompetent, immaterial, to this case; get nothing to do with the case. Might as well bring up a conversation relating to any other matter entirely foreign to the issue. Anything he might say as to his own citizenship might be admissible, but as to what he had said of this matter is not and I believe has nothing to do with the case.

BY MR. DAVENPORT: I will state to the court that I will stop the witness whenever he gets off.

BY COM'R NEEDLES: Any conversation George W. Vann had with the witness about his own case is admissible.

BY MR. DAVENPORT:

Or what he might say about making these fellows, if anything.

BY COM'R NEEDLES: I don't think that's entirely competent, what

he might have said; he is not charged.

BY MR. LASTINGS, Cherokee Representative: This Commission is getting at the facts in these cases, and if this man assumes that that man has done that with these people and wants to get up citizenship cases when he has no rights and he knows he has not no rights, this Commission ought to know of it.

BY MR. FAULDS: A man doesn't come here to defend every act of his life. The question is whether George W. Vann is a citizen or not; there are a great many citizens in the country who have been manufacturing evidence for persons who ought not to be. I don't know as I ought to say that, but the Commission has had information that even citizens whose rights were not disputed had been in the business of manufacturing evidence for applicants, and if they had it wouldn't debar them from rights of citizenship if they had.

BY MR. DAVENPORT: It doesn't go into this case to the real reputation of the man, but here comes a man whom this man has known in Arkansas and says I have gotten me a right and I can get you up one, and I want him to tell it.

BY MR. DAVENPORT:

Q Did George W. Vann in that conversation about having told you that he had a right up here, and that it was no trick to get a right try to get you to apply, and offer to get up the testimony?

COM'R NEEDLES: You need not answer that. I don't think that is proper in this case.

MR. DAVENPORT: We except; I asked the question so as to get it in the record.

BY MR. McREA:

Q You say the first time you met the alleged applicant here George W. Vann, was in 1892? A First time I ever remember seeing him, yes sir, as well as I recollect, I won't be positive.

Q Where did you see him? A In Argenta, called Cockleburr town then.

Q And that same year he was commissioned constable? A I don't know whether he was commissioned that year or not; I was working on the railroad and when I saw him in '72 I was working in the yard, and I moved in the bottom and stayed until '73, and when I come back from the bottom in '73 he was appointed constable.

Q Appointed constable? A Yes sir. Well he was acting constable.

Q Who appointed him? A I don't know; I was in the bottom at that time, when he was appointed.

Q How long did he remain in Argenta? A He remained there in Argenta up until the Brooks and Baxter was, that was in '74.

Q How long did he remain in Argenta after the Brooks and Baxter war was over? A I don't know, sir.

Q When did you see him last in Argenta? A '74.

Q Then when did you next see him? A To my remembrance when I next saw him it was '91 or '2 here on the train.

Q Where were you living then? A Living at Sandtown.

Q Did you know him before the year 1892? A No sir, if I did I don't know it. I knew him at the time I say, I might have seen him if he had been about Argenta, but I didn't recollect him from that time up.

Q From the time you first met him until you last saw him was you acquainted with him for a considerable while, & associations with him? A At the time I was in town, while I worked there in the fall of '72 I saw him every day, and when I came back in '73 I was in the court there I believe.

Q Did he have any occupation besides that of a constable? A Not as I know of.

COM'R NEEDLES: Case on the part of the Cherokee Nation will be adjourned until eight o'clock to-morrow morning.

George W. Vann cont'd 12

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

*E. D. Green*

Subscribed and sworn to before me this September 23rd, 1901.

*C. R. Beckwith*

Commissioner.

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

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

Supplemental testimony introduced by applicant.

Appearances:

A. S. McRea, attorney for applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: What do you desire to prove by these witnesses?

A. S. McRea: That the applicant was here in 1866.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the introduction of any more testimony by the applicant upon that point, because it is not rebuttal of matter brought out by the Cherokee Nation, but it is one of the points originally in issue, upon which testimony was introduced.

JOHN McDONALD, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McDonald.

Q What is your age? A About 56 years old.

Q What is your postoffice? A Sangee.

A. S. McRea: How long have you lived in the Cherokee Nation? A I have been living here all the time.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first see or know him? A When I first got acquainted with him, he was working on a boat, the old Fort Smith, coming up backwards and forwards here, fetching provisions.

Q When was that? A That was in the year of 1866.

Q You say he was working on a boat? A Yes, sir.

Q Do you know of your own knowledge that he has been living in the Cherokee Nation since 1866?

Mr. Hastings: I object to that.

Commissioner: How long has he been living in the Cherokee Nation to your knowledge? A His farm is just above me and he has been here ever since I have been acquainted with him, backwards and forwards.

Mr. Hastings: You have had a farm here ever since? A I have had a farm there for 23 years.

Q You said since '66? A I have been acquainted with him since then, and I don't know of him being out of the Nation.

Q Where were you in 1866? A I was right here.

Q Here in Fort Gibson? A Here in Fort Gibson and different places in the Nation.

Q What were you doing? A I was working all the time.

Q Who was you working for? A Part of the time I was working for old Charley Journeyoake and for Bartle up there.

Q Jake Bartle? A Yes, sir.

Q Jake Bartle married a Delaware? A Yes, sir, he married old Charley Journeyoake's daughter, yes, sir.

Q And that was the same year you saw George Vann come here? A Well, that matter I was working here, I was, but I was working backwards and forwards, I was here in '66.

Q That was the same year you saw him here? A In '66.

Q That was the same year? A I saw him in '66.

Commissioner: He asked you at the year you were working for John

Bartle was the same year you saw him? A I don't recollect exactly but I saw him in '66.

Mr. Hastings: what year were you working for Jake Bartle? A In about '66.

Q And you worked for Journeycake in the same year? A Yes, sir, at different times, I just worked backwards and forwards through the family.

Q Where did you get acquainted with Journeycake? A When I was up there, he used to live on Big Creek.

Q Was anybody up on Big Creek when you went there? A Yes, sir.

Q Have houses? A Some had houses, and just building, just starting.

Q In the spring of '66? A Well they had just made the houses, little houses, some of them just cutting and moving in.

Q Had farms? A No, sir, had little patches.

Q Who did you see up there in the spring of '66? A Why I seen a good many people.

Q Name some of them? A Jake Sanders? A You saw him in the spring of '66? A I saw him and all them.

Q Where did you come from when you came to Sequoyah? A When I come to Sequoyah, where did I come from?

Q Yes? A Why I come from the Nation.

Q From Big Creek? A Yes, I was down here in the Nation, and part of the time I lived on Grand River a while.

Q What was the name of that boat you say George worked on? A Fort Gibson.

Q By the name of Fort Gibson, was it? A Yes, sir, and she sank not far from Fort Smith,, she is right there now.

Q That was in '66; what was George doing on there? A He was the cook.

Q Have his wife on there? A I didn't see no woman.

Q Didn't he have any children? A Well he had a house of children.

Q Where was his house? A On the bank, on this side.

Q You saw them? A Yes, sir.

Q You were at his house? A No, sir, I wasn't at his house.

Q You saw them, how was that? A Well I could see the house up at the distance.

Q Did he have a little farm there on this place? A He wasn't farming, he was running as a cook.

Q How far from the river was his house? A Not far, I suppose about 50 yards or such matter to my knowledge.

Q Didn't you come to this country with Randolph white? A Randolph white?

Q Do you know him? A Yes, sir.

Q Where did you get acquainted with him? A When I left for here and got acquainted with him and he and I fetched him back here.

Q Where is Randolph now? A Right down here.

Q How far from here? A Not very far.

Q He knows when you came back here? A Certainly for I took him and went and fetched him back.

Q Where did you bring him from, Ohio? A I fetched him from Ohio.

Q What year did you bring him in? A When I fetched him I don't know exactly what year it was.

Q How long after the war? A I don't know, I think it must have been about '68, or some such matter, something about that time.

Q You knew him out there? A No I didn't, he was just a little boy.

Q Didn't you try to claim to be a Delaware? A I am part Delaware, Charley Journeycake, sir, have always claimed to be his relatives, you can tell by the looks of me I must be something else besides Charley.

Q Who did you belong to before the war? A I belonged to before the war? A old John Glass.

Q Where did he live? A Lived up in Pine District.

Q You are an applicant for citizenship? A Yes, sir.

Q You are the fellow that joined the army in Ohio? A Yes, sir, after I ren away from here and went away and joined, but I came back here, I came back again.

ANDERSON TATUM, being duly sworn by Commissioner Needles, testified as follows:

A. S. McRea: Your name? A Anderson Tatum.

Q Your age? A About 56 years old.

Q Your postoffice address? A Songo.

Q How long have you lived in the Cherokee Nation, Mr. Tatum? A Well I have lived in the Cherokee Nation off and on for about thirty some odd years.

Q You acquainted with the applicant, George W. Wann? A Yes, sir, I know him.

Q When did you first become acquainted with him? A First time ever I saw him was in '67, in the year of '67.

Q What part of the year '67? A It was along sometime in the first part, I wont be positive what time it was.

Q Where did you meet him? A I met him at Fort Smith the first time ever I saw him, between Fort Smith and Van Buren.

Q Did you have any conversation with him then? A Yes, sir, slight.

Q What was the nature of that conversation?

Mr. Hastings: I reckon he will not tell that, that conversation.

Q Well, in that conversation that you and he had did he tell you where he lived? A Yes, sir.

Q Where did he say he lived?

Mr. Hastings: Now don't you tell that, I object to that.

Commissioner: That has been the habit, to hear any conversations that the applicant had with the witnesses.

Mr. Hastings: If it is a declaration against his interest. Comes now the representatives of the Cherokee Nation and protest against the offering of the conversation had with the applicant in his own interest, on the ground that a declaration in interest is never admissible under any circumstances.

Commissioner: Maybe according to the strict rules of evidence it would not be, but we have been admitting it.

McRea: Where was he living, did he say? A Said he was living on Garrison Creek in the Cherokee Nation at that time.

Q Have you been seeing him continuously since then? A Well off and on I saw him after that, once in a while, but not very often, till here about a few years back.

Mr. Hastings: Where did you live at that time? A Me, I lived in Crawford County.

Q And you never saw him before up to that time? A No, sir.

Q And you met and had a talk with him? A Yes, sir.

Q And now you are called upon 35 years afterwards to remember it?

A Yes, sir.

Q A talk that you had with a stranger, you remember that, do you? A I remember being called on.

Q How long did you live in Crawford County then, after '68; how long did you continue after that time to live in Crawford County, Arkansas? A I lived there off and on several years.

Q When did you first come to the Cherokee Nation? A That has been thirty some odd years when I first struck the Cherokee Nation.

Q You know what year you came here? A No, sir, I don't, I went through this Nation when the cave was all down on the river.

Q When did you first settle in here, come up here to live? A When I first came up here it has been some thirty odd years.

Q You live near Amos Wann down there? A Now?

Q No, then? A No, sir.

Q You live near him now? A Yes, sir.

Q Where did you first settle? A I settled in the bottom of the

Goodman lease, near Bob Owens.

Q How far is that from Fort Smith? A I think they call it 11 miles, I will not be positive.

Q Did Bob Owens own a place? A Yes, sir, when I first settled there to live he just had settled down, but you asked me what was the first time I was in the Cherokee Nation and I told you thirty some years, but I didn't settle down then.

Q How long ago has it been since you settled down there? A Going on eight years I believe, I will not be positive as to that.

Q Where did you come from? A Arkansas.

Q What county? A Crawford County.

Q And you settled by Bob ~~Vann~~ about eight years ago? A No, sir, not by Bob Vann about eight years ago.

Q How far you live from him? A About four miles and a half on this Valley line, between Muldrow and Cherokee and Heyward Youngblood's place.

Q How far did you live from Vann? A Something over a mile, maybe not so far.

A. S. McRea: You say that you have seen Vann off and on since the first meeting? A Yes, sir.

Q Do you remember where you seen him? A Yes, sir.

Q Where at? A I saw him at Fort Smith and in the Cherokee Nation here and several places in the states several times, I go backwards and forwards from here in the state a good deal, and the Indian Territory.

Mr. Hastings: Now don't you know that there wasn't never such a thing known as Garrison Creek until very recently the little branch has been named that? A No, sir, I don't know, for when I first saw it they called it Garrison Creek.

Q You ever tried in the Courts for anything? A Yes, sir.

Q Where? A I was tried, let's see, I was tried at Van Ruren one time for fighting.

Q Ever tried for anything else? A No, sir.

Q Never arrested for anything else? A No, sir, not in my life.

Q Been arrested only the one time? A Been arrested several times for fighting, I used to be pretty bad for scrapping.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the date of the Delaware Agreement made on the 8th day of April, 1867, under which the Delawares removed to this country.

QQQQQQQQQQ

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

*Bruce C. Jones*

Sworn to and subscribed before me this the 8th of October, 1901.

Commissioner.



File with C. F. D-168, Elmira Wiggins, et al.

SUPPLEMENTAL: C.F.D-115, George W. Vann.

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

In the matter of the application of George W. Vann et al for  
admission to the Cherokee Freedmen.

TESTIMONY ON THE PART OF THE APPLICANTS.

Exhibits:

Applicant in person and by attorney, J. P. Faulds.  
W. Hastings, of attorneys for the Cherokee Nation.

On the 25th day, being sworn by Commissioner Needles, testified  
as follows:

BY MR. FAULDS:

Q Who is your name? A George Woody.

Q What is your post-office address? A Fort Smith.

Q How old are you? A 47 years old the 10th of August.

Q Do you know old George W. Vann here? A Yes sir, I know him.

Q Do you know Annie Green? A Yes sir, I know her.

Q You remember the circumstances of her killing some man over  
there in Argenta? A I remember the circumstances of her killing  
her husband, Evans Green.

Q Were you living in Argenta at that time? A Yes sir.

Q Do you know if George W. Vann was there? A Yes sir, I know he  
was there; I know they were there directly after the shooting.

Q Go on and tell what occurred? A Betwixt 9 and 10 o'clock George  
W. Vann as you call him, we call him Mack McKany, and then we was  
all coming from church betwixt 10 and 11, and John Rynam, another  
fellow, and we heard screaming over towards the old mill what they  
called "Cockiebur town", and we rushed over there.

Q Who rushed over? A George Vann as you call him, we called him  
Mack McKany here; we all rushed over there to the door, and he  
go there first and knocked on the door.

Q Who is he? A Mack McKany, and knocked on the door, - that's what  
we called him, Mack, and we knocked on the door and there was an old  
lady screaming and Evans was lying at the door shot, and he told  
her to open the door -

Q Who? A Mack McKany; and she asked who it was, and he says Mack  
McKany, the old constable, and says if you don't open the door I  
will break it down, and she got up and opened the door.

Q What did you do? A Stayed there to keep her there until the  
next morning, and next morning if I make no mistake the constable  
was named Spalott, a white man, come there and taken her and  
carried her to jail.

Q You say Vann was there? A Yes sir. That man (pointing to the ap-  
plicant) he was the man who was there and told them if they didn't  
open the door he would break it down.

BY MR. HASTINGS:

Q Then was that? A I think it was somewhere in '80 or '70; I don't  
remember exactly what time it was.

Q You know the difference between '80 and '70? A I know '70  
comes before '80.

Q How many years ago was that? A I doesn't remember, I am not a  
book of record, I can't tell exactly how many years it was.

Q When did you leave Argenta? A When did I leave there?

Q When did you quit living there? A I left there, I don't know  
exactly the time I left there, I have been here about 8 years.

Q Now how long was it before you quit living there that this occur-  
red? A I couldn't remember the time, it was some where in '70 or  
'80 when this occurred.

Q Can't you come within 10 years of it? A I said I don't remember

George W. Vann et al 2

exactly the time, but I know it was down in that time.

Q Between '70 and '80? A Yes sir.

Q Do you know it was done before '80? A No.

Q Do you know it was done before '90? A No I said I don't know it.

Q Do you know whether it was done before or after the war? A Why it was after the war I guess when it was done.

Q Do you know how many years after the war? A I do not.

Q Were you married at that time? A I was married at the time.

Q Do you know when you married? A No sir I don't.

Q Was George Vann constable at that time do you know? A No he

was not a constable at that time when he arrested that woman, but I know he was a constable down there.

Q He went in and arrested her and wasn't he constable? A No, he wasn't no constable.

Q Who was with him? A I told you I was with him and John Tunum was with him.

Q Who was it she was alleged to have killed at that time? A Evans Green, that was her husband.

Q Did you know George Vann down there? A I knowed that man there.

Q What, McKany? A Yes, that's what we called him.

Q How long did you know him? A He came there my first seeing him was the time of the Brooks and Baxter War, he was appointed constable there.

Q You never saw him before that? A No sir.

Q You don't know when the Brooks-Baxter war was? A No I doesn't know now at the present time when it was.

Q About two years after the war? A I says I don't know.

Q About how many years after the war? A I don't know, I know it was there.

Q Well, he stayed there until after this killing did he? A No, after he got out of office he went away from there, and come back there.

Q How long had he been there at the time of this killing? A I don't know, first time I saw him was the Brooks and Baxter War.

Q At the time this killing took place how long had he been down there? A Oh I couldn't tell.

Q You don't have any idea when it was? A No I don't, but I know he was there that night; I am sure he was there.

BY MR. FAULDS:

Q Have you any idea of dates? You know what year this is, or what year was 10 years ago? A No, I know this is 1901, I know that.

Q For how many people were there around there that night when this killing happened? A When we first got there we was the first three men there that got there, and we ran over there and there wasn't but three men there, but there was a crowd gathered there afterwards.

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

Subscribed and sworn to before me this November 6th, 1901.

*M. B. Green*

Notary Public.

File with Cherokee Freedman D-~~118~~<sup>118</sup>, *Cherokee Nation*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 15, 1902.

In the matter of the application of George W. Vann and others  
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-118.

Applicants represented by A. S. McRea, Muskogee, I. T.  
Cherokee Nation represented by W. W. Hastings.

Mr. McRea: Attorney for applicant desires the testimony of  
W. W. Wheeler, taken this day in the case of Joe Bruner, to be  
a part of the record in the cases of George W. Vann and others and  
Eliza Robinson.

**COMMISSION:** The request of the attorney for the applicant will  
be complied with.

.....

Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported 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 15th day of May, 1902.

(Signed) J. J. Luster,  
Notary Public.

(Seal)

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 15, 1902.

In the matter of the application of Joseph Bruner et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1082.

Cherokee Nation represented by W. W. Hastings.

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

MR. HASTINGS: What is your name? A J. C. Starr.

Q Are you stenographer for the Cherokee attorneys? A Yes, sir.

Q Did you make any effort to get service upon Joe Bruner, the  
applicant in this case? A Yes, sir, I did.

Q What did you do? A Sent a notice and a registered letter to his  
postoffice at Seage, I. T., and the postmaster informed me that Joe  
Bruner was dead, and he couldn't deliver the letter.

MR. HASTINGS: Come now the representatives of the Cherokee  
Nation and move to submit testimony in this case as to Joe Bruner's  
children for whom he made application for enrollment.

**COMMISSION:** The request of the Cherokee Nation will be enter-  
tained and the testimony heard.

W. W. WHEELER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. W. Wheeler.  
 Q How old are you, Mr. Wheeler? A I am between 54 and 55.  
 Q What is your postoffice? A Ballisaw, Indian Territory.  
 Q Did you know the applicant, Joseph Bruner, a colored man? A Yes, sir.  
 Q Did you know him before the war? A Yes, sir.  
 Q Who did he belong to when the war came up? A At the time the war came up he belonged to R. B. Bright.  
 Q Where was he living? A Fort Smith, Arkansas.  
 Q Was he a citizen of the state of Arkansas? A Yes, sir.  
 Q Not a citizen of the Cherokee Nation? A No, sir.  
 Q He had formerly belonged to your father? A Yes, sir.  
 Q And your father had sold him to Bright? A Yes, sir, but my father bought him from Mitchell Sparks.  
 Q But he had sold him before the war? A Yes, sir, sold him before the war.  
 Q About how long before the war? A I believe he sold him in '60.  
 Q To E. B. Bright? A To R. B. Bright.  
 Q He was freed by E. B. Bright? A He ran off from E. B. Bright and he never was captured there.  
 Q He was his slave? A He was his slave.  
 COMMISSION: Was E. B. Bright a citizen? A Citizen of the state of Arkansas.  
 Wasn't a citizen of the Cherokee Nation? A No, sir.

-----  
 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 19th day of May, 1902.

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

(See 1)

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 Department of the Interior,  
 Commission to the Five Civilized Tribes,  
 Muskogee, I. T., May 17, 1902.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-115.

APPARATORS:

A. S. McRea, for applicant.  
 W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

No. 9.	G. W. Vann,	) Before the Commission on Citizenship, Tahlequah, C. N.
	vs.	
	Cherokee Nation.	
		) May 2nd, 1878.

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of the opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attent:

J. L. Johnson,  
Clerk of Comm.

Jno. Chambers, Presr.  
O. P. Brewer,  
Geo. Downing.

17. MR. WALKER: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed here with the record showing that the applicant George Vann made application before the Commission as set forth.

MR. ANSWER: The above objection is refuted by the judgment itself and that the claimant, George V. Vann, made a written application before the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

MR. WALKER: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months and it would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has had the time and opportunity to present the same before now.

MR. ANSWER: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al, F. D. 134, Cornelia Hill, F. D. 138, Almira Wiggins et al, F. D. 168, Richard Vann, F. D. 169, and George V. Vann, D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. E. McRea, present.

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 fore-

going 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, 1902. •

(Seal)

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

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing 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 31st day of July, 1902.

*Bruce G. Jones*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 17, 1902 .

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman .

SUPPLEMENTAL TO D-115

APPEARANCES:

A. S. McRea, for applicant.  
W W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

G. W. Vann	)	
No. 9 vs?	)	Before the Commission on
Cherokee Nation.	)	citizenship, Tahlequah, C.H.
	)	May 2nd, 1878.

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of opinion that the claimant wholly fails to show by satisfactory evidence,

- 1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.
- 2nd. That he was pwned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

F. L. Nicholson,  
Clerk of Com.

Jno. Chambers, Presnt.  
O. P. Brewer  
Geo. Downing.

Mr. McREA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed herewith the record showing that the applicant George Vann made application before the Commission as set forth.

MR. HASTINGS: The above objection is refuted by the judgment itself which shows that the claimant, George W. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

Mr. McREA: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and had

had time and opportunity to present the same before now.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31st, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al. F. D. 134, Cornelia Hill, F. D. 135, Almira Wiggins et al. F. D. 168, Richard Vann F. D. 169, and George W. Vann D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. McRea, present.

Arthur 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 22nd day of May 1902.

P. G. Reuter.  
Notary Public.

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above copy which is a true and correct copy of the original transcript in the above case.

Subscribed and sworn to before me this 9th day of July, 1902.

*M. E. Kaufman*  
*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 Elmira Wiggins for the enrollment of herself and her minor children Alberta, and Herbert Wiggins as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on April 24, 1901, Elmira Wiggins appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her two minor children Alberta and Herbert Wiggins as Cherokee Freedmen. A copy of the testimony taken in the matter of the application of George W. Vann, et. al. for enrollment as Cherokee Freedmen, has been filed herewith and made a part of the record herein.

The evidence shows that the said Elmira Wiggins claims the right to enrollment as the descendant of one James Vann, alleged to have been a slave of a Cherokee citizen at the beginning of the war of the rebellion, who is said to be now deceased. It appears from the evidence that the said James Vann is now living; that his home has been in the State of Arkansas, and that he was residing therein at the date of this application. There is no evidence that the said James Vann ever resided in the Cherokee Nation or the Indian Territory, or that he was ever the slave of a Cherokee citizen. The children of said Elmira Wiggins take only such rights as may be possessed by their mother.

It is, therefore, the opinion of this Commission that the application for the enrollment of Elmira Wiggins, Alberta Wiggins and Herbert Wiggins 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Acting Chairman.

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

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

T.P.S.

In the matter of the application of George V. Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George V. Vann, et al.,.....	Cherokee Freedmen B	116
Mary J. Youngblood, et al.,...	"	" 134
Cornelia Hill,.....	"	" 148
Elmira Wiggins, et al.,.....	"	" 168
Richard Vann,.....	"	" 168
Young Vann, et al.,.....	"	" 1070
Isaac B. Vann, et al.,.....	"	" 1072
Mary J. Qualls, et al.,.....	"	" 1094

**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 George V. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, Harrison, James and Peter Vann; said application also included his wife, Mary J. Vann, for whom he applied for enrollment as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time she is not embraced in this decision; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Coralee, Cassie E., Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George V. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Ann V. and Sam Vann; by Isaac B. Vann for himself and his two minor children, Julia and Catherine Vann; the last named application also included Belle Vann, wife of said Isaac B. Vann, but she is differently classified and is not embraced in this decision; and by Mary J. Qualls for herself and her minor children, James, John, Westly, Emperor, Sarah and Ben Qualls. Copies of the testimony of W. W. Wheeler taken in the case of Joseph Bruner, et al., Cherokee Freedmen B 1088, are made a part of the record herein.

The principal applicant, George V. Vann, claims right to enrollment as a Cherokee Freedman, alleging that he was, at the commencement of the rebellion, the slave of Jim Vann, a Cherokee citizen. It appears that said Jim Vann was one of the children of Joe Vann, a Cherokee citizen, who owned a large number of slaves, among them being one named George Vann that came into possession of Joe Vann was killed and his slaves descended to his children, his daughter, Delilah Vann, coming into possession of George Vann and above mentioned; and that said George Vann was afterwards captured

at Fort Scott, Kansas. The correct name of said principal applicant seems to be George W. McKamy, which name he bore from a time long before the war down to about 1877 or later; and it does not appear that said principal applicant was the slave of Jim Vann or any other Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since the commencement of the rebellion; that their rights to enrollment, if they possess any, are based upon those of said George W. Vann except the applicants, Elmira Wiggins with her two children, Alberta and Herbert Wiggins, Young Vann with his two children, Ann W. and Gant Vann, Mary J. Qualls with her six children, James, John, Westly, Huperer, Sarah and Ben Qualls, and Isaac B. Vann with his two children, Felix and Catherine Vann, whose rights to enrollment, if they have any, are based upon those of James Vann. The said James Vann, also called Jim Vann in the testimony, was born before the commencement of the rebellion and is a son of the principal applicant. It is alleged that said James Vann was the slave of a Cherokee citizen at the commencement of the rebellion, but it is not proven that he returned to or was residing in the Cherokee Nation at the time of the passage of the Cherokee treaty of 1866 or at any time within six months thereafter; the only evidence tending to show that he did return within such period being that of said George W. Vann, and it is shown by the evidence that the latter was not in the Cherokee Nation, himself, during said period.

None of the names 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 George W. Vann, his children, Harrison Vann, John Vann and Jane Vann, and his grandchildren, John Vann, Richard Vann, Thomas Vann, Harrison Vann, James Vann and Peter Vann; Mary J. Youngblood and her children, Sarah A. Howell, Pearly Hill, Coralee Youngblood, Cassie A. Youngblood, Richard Youngblood and Washington Youngblood; Cornelia Will; Elmira Wiggins and her children, Alberta Wiggins and Herbert Wiggins; Richard Vann (son of George W. Vann); Young Vann, Ann W. Vann and Gant Vann; Isaac B. Vann and his children, Felix Vann and Catherine Vann; and Mary J. Qualls and her children, James Qualls, John Qualls, Westly Qualls, Huperer Qualls, Sarah Qualls and Ben Qualls as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Dixby, Chairman.

- T. B. Needles, Commissioner.
- C. R. Breckinridge, Commissioner.
- W. H. Stanley, Commissioner.

Muskogee, Indian Territory,

this                                   
MAR 11 1904

COMMISSIONERS  
HENRY I. DAWKINS  
TAMM DIXBY,  
THOMAS B. NEEDLES  
C. R. BRACKINRIDGE

ALLISON I. AYLESWORTH,  
SECRETARY

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

Vinita, Indian Territory, May 13th, 1901.

Received of the Commission to the Five Civilized Tribes one  
copy of the original testimony in the matter of the application of  
Elmira Wiggins et al for enrollment as Freedmen of the Cherokee  
Nation.

A. S. M'Pica

Attorney for applicant.

Cherokee W-#D168.

# **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 Wiggins,

Dodge, I.T.

Cherokee F-D-166  
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

CHEROKEE FREEDMEN.

Date April 24, 1901

Post Office Bequa, Ga.

District Sequoyah

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents: Robert Taylor

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

1. Name of wife Clonissa Wiggins Age 20

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year K.C. Page 166 No. 3957 District Sequoyah

Parents: Father Jas. Vann - dead Citizenship Cherokee

Mother Hariett Peters Citizenship no

Names of Children:

2. Alberta Wiggins Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. 10

3. Hariett Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. 6

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 Clonissa Wiggins Stenographer Al Jones

On K and S roll as Atta Mowry

Affidavits of birth to be supplied

X Ref. to ...

Muskogee, Indian Territory, March 22, 1904.

Elmira Wiggins,  
Benge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Alberta and Herbert Wiggins, as Cherokee freedmen. Your attorney, A. S. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

*T. B. Needles.*

Register.

Enc. D-3.

Commissioner in Charge.

Cherokee Freedmen  
D-115 et al.

Muskogee, Indian Territory, March 22, 1904.

V. V. Hastings,

Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of George W. Vann et al., rejecting the applications for the enrollment of George W., Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Newell, Pearly Hill, Coralee, Christie M., Richard and Washington Youngblood, Bernellie Hill, Klaira, Alberta and Herbert Wiggins, Young, Ann W., Gust, Isaac B., Felix and Catherine Vann, Mary J., James, John, Westly, Superior, Sarah and Ben Qualls 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. [Signature]



COPY,

Sherokee Freedmen  
D-115 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George W. Vann et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George W., Harrison, John, James, John, Richard, Thomas, Harrison, James, Peter and Richard Vann, Mary J. Youngblood, Sarah A. Newell, Pearly Hill, Corabel, Cassie H., Richard and Washington Youngblood, Cornelia Hill, Elvira, Alberta and Herbert Wiggins, Young, Ann W., Gust, James H., Felix and Catherine Vann, Mary J., James, John, Westly, Superior, Sarah and Sam Gault as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs,

Commissioner in Charge.

Enc. 2-10.

COPY

Cherokee Freedmen  
Bills et al.

Muskogee, Indian Territory, March 22, 1904.

A. S. McKee,  
Attorney for George W. Vann et al.,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental proceedings had in the consolidated case of George W. Vann et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of George W. Harrison, John, Jane, John, Richard, Thomas, Harrison, James, Peter, and Richard Vann, Mary J. Youngblood, Sarah A. Howell, Pearly Hill, Caralee, Gassie W., Richard and Washington Youngblood, Cornelia Hill, Elmira, Alberta and Herbert Wiggins, Young, Ann W., Gust, Isaac B., Felix and Catherine Vann, Mary J., James, John, Martha, Emperor, Sarah and Dan Qualls, as Cherokee freedmen. You have heretofore been furnished with a copy of the original records.

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

make known to you to see as the Commission is informed of the same.

Respectfully,

*E. Neel*

Commissioner in Charge.

Register.

No. 2-8.

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, October 10, 1904.

Land.  
20181-1904.

The Honorable,

The Secretary, of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Coraloe, Cassie M. Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, George W.

Vann, whose correct name seems to be George W. McKamy, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The evidence shows that all of the other applicants were born since the beginning of the rebellion and any rights to enrollment they possess are derived from the same George W.

Vann.

None of the names of the applicants is found on the 1880 authenticated Cherokee roll.

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

Very respectfully,

Acting Commissioner.

J.M.M.  
V.

Copy.

JF Jr.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 48730-1906.

I.T.D.10192-1904.

11672- "

November 3, 1906.

LRS.

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

Sir:

On October 10, 1904 (Land 20181), the Indian Office transmitted a report of the Commission to the Five Civilized Tribes dated March 27, 1904, forwarding the record in the matter of the consolidated applications of George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill, and Coralee, Cassie M. Richard, and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls, for enrollment as Cherokee freedmen, together with its decision dated March 11, 1904, adverse to all of said applicants. The Indian Office concurred in the decision of the

Commission. A copy of its letter is inclosed.

On November 14, 1904 (Land 77695), the Indian Office also forwarded a communication from the attorneys for the applicants, transmitting a motion to reopen said case and hear additional testimony. A consideration of said motion develops the following facts:

The rights of all the applicants in the case are found by the Commission to depend upon the right of the principal applicant, George W. Vann, except applicants claiming by intermarriage and the descendants of James Vann, known as Jim Vann, the son of George W. Vann, who it is alleged was the slave of a Cherokee citizen at the commencement of the rebellion, and returned within the period prescribed in the Cherokee treaty. The decision of the Commission is based upon the claim of George W. Vann that he is entitled to enrollment by reason of the fact that at the commencement of the rebellion he was the slave of a Cherokee citizen, one Jim Vann, and that he returned to or was residing in the Cherokee Nation within the six months named in the treaty of 1866.

In the consideration of this case a large amount of testimony has been introduced by both the applicants and the nation, based on the above contention. It is now alleged in the motion of the applicants that George W. Vann was a free colored person residing in the Cherokee Nation at the commencement of the rebel-

lion, and that his son, James Vann, was also a resident of the Cherokee Nation prior to the war. It is further alleged that there was a confusion of names in this case by reason of the fact that Jim Vann, the son of Josh Vann, a Cherokee by blood, was chosen by George W. Vann as his protector previous to the rebellion.

It is also stated that the Commission erred in holding that the applicants should prove their return on or before the 19th day of January, 1867, instead of February 11, 1867.

The Department has considered the motion, together with the arguments filed in reference thereto. The affidavits filed in support of the motion are vague and unsatisfactory. It does not appear from the record that the applicants returned to and established a bona fide residence within the Cherokee Nation prior to February 11, 1867, as is required to be shown by the act of April 26, 1906 (34 Stat., 137), in Cherokee freedman cases.

It is not apparent that the principal applicant can overcome the adverse effect of the decision of the Cherokee Citizenship Commission created by the Cherokee act of 1877, which decision is dated May 2, 1878. The act creating the commission provides as follows:

"The commission on citizenship shall have cognizance of and exercise complete jurisdiction over all cases arising under the constitution and laws of the Cherokee Nation involving the right of citizenship as hereinafter specified."



Judge Springer in an opinion in reference to Cherokee citizenship, stated--

"In all cases wherein it appears that applicants for citizenship in the Cherokee Nation filed their claims before the proper tribunal or commission and in all cases where the tribunal or commission acting within the scope of its jurisdiction as prescribed by the law of the Cherokee Nation, and admitted such persons to citizenship, this court will regard such cases as adjudicated, and in all cases where such applicants were rejected, the same rule will apply. In order to set aside such adjudications, whether in favor or against such applicants, it must be made to appear to this court, either that the tribunal or commission acted without jurisdiction, or that the decision of the commission was procured by fraud."--(First Dawes Commission Report, page 128).

The decision of the Citizenship Commission is not attacked by the applicant. He must also overcome the strong suspicion of fraud raised by his former testimony.

In view of these facts, it is not deemed proper to put the Government, the nation, and the applicants to the expense of a further hearing.

The motion is hereby denied. The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, adverse to the applicants, is affirmed.

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

Respectfully,

E. A. Hitchcock.  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

Cherokee P  
D.168 et al.

Muskogee, Indian Territory, November 14, 1906.

Elmira Wiggins,  
Benge, Indian Territory,

Dear Madam:

You are hereby advised that the decision of the  
~~Commission to the Five Civilized Tribes, dated March 11, 1904,~~  
rejecting, among others, the application for the enrollment of  
yourself and children, as Cherokee freedmen, was affirmed by  
the Secretary of the Interior, November 3, 1906, and the motion  
to reopen your case, denied.

Respectfully,

Commissioner.

LMC

Cherokee F.  
D.116 et al.

Muskogee, Indian Territory, November 14, 1906.

A. S. McRea,

Attorney for George W. Vann, et al.,

Muskogee, Indian Territory.

Dear Sir:

~~You are hereby advised that the decision of the~~  
Commission to the Five Civilized Tribes, dated March 11, 1904,  
rejecting the applications of George W. Vann, et al., for enroll-  
ment as Cherokee freedmen, was affirmed by the Secretary of the  
Interior, November 3, 1906, and the motion to reopen said case,  
denied.

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

Respectfully,

Commissioner.

Incl.C-29  
LMC

Cherokee P.  
D.115 et al.

Muskogee, Indian Territory, November 14, 1906.

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

Dear Sir:

You are hereby advised that the decision of the  
Commission to the Five Civilized Tribes, dated March 11, 1904,  
rejecting the applications of George W. Vann, et al., for enroll-  
ment as Cherokee freedmen, was affirmed by the Secretary of  
the Interior, November 3, 1906, and the motion to reopen said  
case, denied.

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

Respectfully,

Incl.C-28  
LMC

Commissioner.

Cher. Fr. R-843

Cher Fr. R-843

Trans. from Cher. Fr. D-169

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 18th, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, three children and six grand-children as Cherokee Freedmen, and for the enrollment of his wife, MARY J. Vann, as a Cherokee Freedman by intermarriage; said Vann being sworn and examined by Commissioner C. R. Breckinridge:

Appearances: Mr. John F. Faulds, Attorney for Applicant:

Mr. W. W. Hastings, Cherokee Representative.

- Q Give me your full name? A George W. Vann.  
Q How old are you? A Be 77 on the 27th day of December next.  
Q What is your post office? A Benga.  
Q In what district do you live? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.  
Q Do you want to enroll anybody besides yourself? A I want me and about ten children.  
Q Have you a wife? A I have.  
Q Do you want to have her enrolled? A If it is law that she can be enrolled.  
Q You want to apply for her and see? A Yes, sir.  
Q And you have ten children? A Yes, sir.  
Q Are these children all under 21 years of age? A No, sir. There is one of them that is of age, one of them is about 50.  
Q He will have to apply for himself; the others are under 21 are they? A No, there is two aint, by one woman, and the others are under age.  
Q You have got three children that are over age? A Yes, sir.  
Q That brings you down to seven that you can apply for yourself?  
A That is all.  
Q Now, that seven are all unmarried? A No, sir, some of them are married.  
Q Those children will have to apply for themselves; so how many unmarried children have you that you can apply for? A Four.  
Q You have got six grand-children? A Yes, sir.  
Q Are they living with you? A Yes, sir; they are going to school over in the Choctaw Nation.  
Q They are all under 21 and unmarried? A Yes, sir.  
Q You can apply then for yourself, your wife, four minor children, unmarried children, and six orphan children? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I come here in, about; well I come here before that, before I ever moved here, I came here in '35, '36 and '37; I come here in '36.  
Q Were you a slave at that time? A I was.  
Q Did you live in the Cherokee Nation from the time you came here in 1836 until the Civil War broke out, the War between the North and South? A Yes, sir; that was my home.  
Q Were you a slave all the time? A Yes, sir; until the proclamation of Abraham Lincoln set me free.  
Q You were a slave until you were set free by the War? A Yes, sir.  
Q Where were you during the war? A Sometimes in the Choctaw Nation, sometimes in the Creek, sometimes in Fort Smith, sometimes down on the River running on the steam boat down the Mississippi; I was everywhere I could make money.  
Q You ranged over a wide scope of country? A Yes, sir.  
Q You were some in Arkansas? A Yes, sir.  
Q Some in Texas? A No, sir, I never lived in Texas.  
Q You worked on a steam boat for a while? A Yes, sir.  
Q How far down the River did you go? A To the Mississippi River; went down from Little Rock to the Mississippi River, run backwards and forwards to the River.  
Q How long did you run on the River there? A Some three or four months; the boat we was on was called Idovees.  
Q When did you come back to the Cherokee Nation after the war

closed? A I never went off, I never went away to stay any at a time.

Q In what year were you boating out there on the Arkansas River between Fort Smith and Little Rock? A I boated some there in '75.

Q We are talking about the time during the war? A I was not boating there, the war was principally over; during the war I was running from Fort Smith up here carrying up provisions to the soldiers, the regulars.

Q Now the point I want to get at is where you were during the war?

A I was sometimes in the Cherokee Nation, sometimes in the Choctaw Nation, sometimes down home, sometimes on the bridge there, sometimes fishing on the river; wherever I could make money.

Q When the war closed you settled down did you? A Yes, sir.

Q When did you marry? A I married here before the war, many years.

Q What business do you follow now? A I follow preaching and doctoring and farming, I have got two farms.

Q How long ~~after~~ was it after the war closed was it until you settled down to farming? A Well, I went finally to farming in about '75

Q Where did you farm then? A I farmed right on the river this side of Fort Smith, the place I bought from Mrs. Sheppard.

Q What did you do for a living before 1875, say ten years before 1875? A Everywhere that I go since I was emancipated? Sometimes fishing up and down the river, sometimes one thing and sometimes another, sometimes doctoring and sometimes preaching.

Q Sort of an unsettled live that ten years? A Yes, sir.

Q You let a roving, unsettled life until about ten years before 1875, when you settled down to farming? A Yes, sir..

Q Were you married during that ten years? A No, sir, when, well, when my wife died, I married my last wife, a Greek colored woman just after the war.

Q And how long did you and this woman live together? A We are living together.

Q You were married during that ten years before 1875; I ask you if you were married during that ten years before 1875? A I said not all the time for my wife died and part of the time I got another woman.

Q Was your wife who died your first wife? A No, sir.

Q When did your wife die that you are talking about now?

A She died about, I think she died about some 11 or 12 years before the war.

Q When did you marry after her death? A I married a Cherokee woman belonging to Jim Vann.

Q You spoke of having married a Greek woman? A That is my last wife; I am living with her now.

Q When did you marry her? A I don't know.

Q When did you marry that Cherokee woman you are talking about? A I married her before the war.

Q Did you live with her until she died? A Yes, sir.

Q When did she die? A Two years after the war.

Q And then you married a Greek woman? A Yes, sir.

Q How long after the death of the Cherokee woman was it until you married the Greek woman? A About two years, as near as I can guess at it.

Q You were married for two years immediately after the war, because your Cherokee wife was still living? A No, sir, my first wife I married was a Choctaw.

Q How many times have you been married? A Three times, lawfully married.

Q Who was your first lawful wife? A Narcissa Fulson, belonging to old Henry Fulson, Choctaw.

Q When did you marry her? A I don't know, sir, so far back I could not tell you.

Q Any before the war? A Yes, sir.

Q About when did she die? A She died away before the war.

Q She died some years before the war? A Yes, sir; I have got a

son that about 50 years old by her.

Q Then after her death you married a second time? A Yes, sir.

Q Give me the name of your next wife? A Nancy Vann, Jim Vann's colored woman, Cherokee.

Q Do you remember about when it was you married her? A Didn't live with her.

Q But you married her before the war? A Yes, sir; I married her; the Choctaw wife died and then I married her.

Q Did you live with Nancy Vann until she died? A Yes, sir.

Q When did she die? A She died about, well right about, the war had been going on, in the time of the war.

Q She died during the war? A Yes, ~~at~~ I call it that.

Q She died after the war begun and before it closed? A She died after it went on a while.

Q Before it quit? A Yes, sir.

Q Well then, after the death of Nancy Vann you married a third time? A Yes, sir; married a Creek colored woman.

Q Give me her name? A Mary Jane

Q Was that all of her name when you married her, just Mary Jane?

A That was her given name.

Q I want her full name, Mary Jane what? A Mary Jane Roach.

Q Now, you married her after the war closed? A Yes, sir.

Q How long after the war closed? A I don't know exactly.

Q Well, as near as you can get at it? A I must have married her sometime in, I don't know, ~~must~~ have been in '60 sometime.

Q You married her before you settled down to farming in 1875?

A Yes, sir.

Q Did you marry as much as five years before that time? A I don't hardly think it was, I won't be certain, because I don't know.

Q She is your wife now is she? A Yes, sir.

Q Now can you tell me just in a plain way where you lived and what you did between the time your wife Nancy Vann died and the time you married Mary Jane Roach? A I could not, sir.

Q Could not tell about that? A No, sir, I could not, for I was everywhere around.

Q You don't know where you went and what you were doing? A Sometimes I was fishing, sometimes I was preaching and sometimes doctoring and sometimes cooking on a boat.

Q Do you know in what country you were staying? A I do.

Q Well, in what country were you? A Sometimes in the Cherokee Nation, sometimes going to Fort Smith, sometimes at Greenwood, sometimes Tahlequah and sometimes Fort Gibson, in the Creek Nation.

Q And sometimes on a steam boat? A Yes, sir, I run here from three or four months on what is called the old Fort Gibson boat.

Q Did you run on a boat between Little Rock and the Mississippi River? A Yes, sir.

Q Did you ever go down on the Mississippi river? A No, sir, go down to the mouth and come back.

Q Mouth of the Arkansas? A Yes, sir.

Q Well, now since 1875, where have you been living? A Living down here near Fort Smith, right in front out there, a little piece back from the river, about a mile.

Q You have not been doing any work preaching and doctoring outside of the Cherokee Nation since 1875? A I have.

Q Tell me something about that? A Well, sometimes in Fort Smith and sometimes in Van Buren and sometimes at Greenwood.

Q You were following your profession around to these places?

A Yes, sir.

Q You were preaching about during this time? A Yes, sir.

Q Have you a regular charge of a church? A I have.

Q How what churches have you had charge of? A I have one now; I had charge of a church at New Hope, I had charge of a church.

Q Where is that church? A Down on the Missouri and Pacific Railroad, about five miles from the river.

Q In the Cherokee Nation? A Yes, sir.

Q You have had other churches have you? A Yes, sir, had charge



of a church there at Niven's place, had charge of a church at Webbers Falls, had charge of a church at Fort Gibson and Tahlequah, at Yellow Springs in the Choctaw Nation, and had one at Scullville.

Q Did you have charge of any churches over in Arkansas? A No, sir.

Q Just here in the Territory? A I could not have them over there, my license are on Book B at Muskogee, I am an Elder.

Q Whom did you belong to in the old times? A First to old Joe Vann and fell to his son Jim, old Joe Vann was blown up on a steam boat on the upper Mississippi river.

Q Whom did you belong to at the time the war broke out? A Jim Vann.

Q He is dead is he? A He went off in time of the war to fight and I never seed him any more; I heard he was dead.

Q Are any of his people living? A If they are, I don't know anything about it.

Q No children you knew? A Jimmy died at the Seminary teaching school, no Lavera married his youngest girl, she is dead.

Q Now what people know you and what you were doing and where you were living between 1865 and 1870, who all can you name that knew you? A I worked for Sallie Franklin, worked right there on the line for McKibbon and next a little before Christmas in 1876, made a crop for Payne

Q Whom did you work for in 1865? A I worked for Mrs. Franklin.

Q That is the Mrs. Franklin whose name you have given before?

A Yes, sir.

Q Anybody else? A I worked for McKibbon.

Q What is his full name? A I don't know his full name, that is it McKibbon.

Q Where was he when you worked for him in 1865? A The line runs right along between the Arkansas and the Polson.

Q Were you working for him on the Arkansas side of the line or the Cherokee side? A Sometimes I was working for him on the Cherokee side and sometimes on the Arkansas side.

Q Did you work for McKibbon there pretty much all through '65?

A No, sir, I worked two or three months; I worked for A. G. Jones.

Q Where did he live? A In the Cherokee Nation, and then I worked for his brother, Mat Jones.

Q Are there any other of these people living? A I don't know.

Q Who did you next work for, along in '66? A Well, I worked then through that, I worked before the war.

Q I never asked you about before the war; I asked you about '66, that was after the war, you said something about before the war?

A I worked for Dr. Bell in '66 and along after that I worked up on the hill, it is close to the road, that is where I was doing a good deal of work about '66; I worked, I was working for the government, I was cutting hay some for several weeks for the soldiers about nine miles from Fort Smith, cooking for the wagonmaster.

Q There at Fort Smith? A Yes, sir.

Q Tell me something more? A I could not tell you to save my life.

Q Do you mean you lived around so much? A It would be hard for you to locate me, for I can't locate myself, I just run around everywhere I could get something to do.

Q Can't you say anything definite about yourself during the war?

A I can't tell every place, I may worked one place two or three months and go off somewhere else.

Q Where did you work in 1867, was it the same way? A Yes, sir, in '67 I worked for a man named Bill Campbell.

Q Where did he live? A Down by Fort Smith, about a mile on this side of the river.

Q Practicing medicine some all the time were you? A When I was not at work, sometimes I was preaching.

Q Is that all you can say about '67, how long did you work for Campbell? A I worked down there sometimes two or three weeks and then go out.

Q Where would you go? A I went every which way; you know I could not state it.

- Q Give me the name of your present wife; you say its Mary Jane Vann now? A Mary Jane Roach is her maiden name, Mary Jane Vann now.
- Q How old is that wife, Mary? A I don't know.
- Q Well, about how old is she? A To tell you the truth I don't know her age.
- Q She is a good deal younger than you, isn't she? A Yes.
- Q Is she as much as 50 years of age? A No, sir.
- Q You married her young? A Yes, sir.
- Q You think she is under 50? A Yes, I think she is about 45 or as near as I can guess.
- Q Where was she born? A Creek Nation, what's she tells me.
- Q Has she lived with you ever since her marriage? A Yes, sir.
- Q Her people then are Creeks? A That's what they claim to be, sir.
- Q Give me the name of her father? A Bob Marshall, that's what she claims.
- Q Is he dead? A Yes, I think he is.
- Q Give me the name of your wife's mother? A I don't know. I have heard her call her Sarah.
- Q Do you know whether she is alive or dead? A Dead; she was an orphan when I married her.
- Q Well then, Roach was not her maiden name; her maiden name was Marshall? A They called her Roach, I don't know.
- Q Now give me the names of these four children of your own that are under 21 years of age? A One is named John.
- Q How old is John? A Johnnie is about 16.
- Q Now give me the name of the next child? A One is named Jimmie.
- Q James? A Yes, sir.
- Q How old is James? A I can't just exactly give his name? (14).
- Q Now, give me the name of the next child? A The next child is named Harrison.
- Q How old is Harrison? A He is in his 19th year.
- Q He is older than John? A Yes, sir; Harrison is the first one by this woman.
- Q Now give me the next one? A The next one I call her, it is a girl named Janie, named after her mother.
- Q Named Jane? A Yes, sir.
- Q How old is Jane? A Janie.
- Q You want it put down that way? A Yes, sir.
- Q How old is she? A She was eleven years old last August.
- Q Now are these children all living? A Yes, sir.
- Q You have been enrolled have you by the Cherokee Nation at different times? A Never was enrolled except here once and I was enrolled in about '70, but it could not be found it was looked up.
- Q Are these four children all by your wife Mary Jane? A No, sir; Mary one of them.
- Q Who is the mother of John? A Johnnie, the mother of Johnnie was a Cherokee woman, Cherokee colored woman, the one I told you was named Nancy.
- Q Nancy was the mother of John? A Yes, sir.
- Q Who is the mother of James? A You mean the first old woman?
- Q You have got a son named James? A Yes, sir.
- Q I want to know who the mother of that child was? A Narcissa Fulson.
- Q You said she died before the war and now you tell me that child is 14 years old.
- Q You say that now that you have only three children that are under age? A That is all.
- Q I find it very hard to get you to keep your children separated from your grandchildren; how many children have you got altogether? A I have got about twenty.
- Q How many have you got that are under 21 years of age; three I believe you said the last time? A I was talking about my last wife.
- Q Have you got any children by your wife, Mary Jane, who are under 21 years of age? A No, sir, Mary one.
- Q Now you havent got any by your other wives that are under age; they have been dead too long? A You called me back and said my

grandchildren.

Q How many children have you by that wife Mary Jane? A Aint got but three.

Q Now, give me the names of these three children? A The oldest one is named Harrison.

Q How old is Harrison? A I told you a while ago about 19.

Q Now what is the next one to Harrison? A Johnnie.

Q How old is John? A About 14.

Q The next one? A Janie.

Q How old is she? A Eleven years old.

Q You have only three children by this woman, Mary Jane Roach, have you? A No, sir, I have had five, but they are the only living children.

Q The other children, and by this I mean your own children and not your grand-children, they are all over 21 years old? A Yes, sir.

Q Now the mother of these children is Mary Jane? A Yes, sir.

Q And she was a Creek? A Yes, sir, that is what she come from, that is what they say.

Q Have you applied to have your wife, Mary Jane, enrolled as a Creek? A Never did, I went over there about three weeks ago and went up to the office.

Q Never mind about that, just say you never applied? A I did apply, they told me any time I would come and bring witnesses.

Q You expect to have her enrolled as a Creek do you? A I do.

Q Then you don't want to apply to have her enrolled no' as a Cherokee? A I didn't think I could.

Q Now do you want these children enrolled as Cherokees? A Yes, sir.

Q You didn't make application to have her enrolled as a Creek when you went to Muskogee? A I went into the Commission and asked and they said to fetch her any time.

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

Q Now give me the names of these six grand-children? A One is named, the youngest one Jim.

A Can't you begin with the oldest one and give them to me in that order? A Cornelia.

Q How old is Cornelia? A Cornelia's about twenty. Her mother is living right there joining me.

Q She is not one of the orphans you spoke of? A No, sir; well one of them is named Jim.

Q Can't you begin at the other end and give them to me straight?

A One of them is John.

Q How old is John? A John must be some 15 or 16.

Q Now which one is next to John? A There is one named Richard.

Q How old is Richard? A He is next to him, I don't think there is more than a year or two.

Q Now, the next one to Richard? A Tommy.

Q Thomas, how old is Thomas, about two years younger than Richard?

A He might be and he might not.

Q Well, we will put him down as 12 for the present; what is the name of the next one after Thomas? A The other is named after his uncle, Harrison.

Q How old is Harrison, a little younger than Thomas? Q Yes, sir.

Q We will put him down as being about ten if you cannot give me something better than that. Who is the next one to Harrison?

A Did I give you Jim?

Q No, sir; you have a grand-child named James, have you? A Yes, sir.

Q How old is James? A He is about eleven.

Q He is older than Harrison? A No, sir.

Q The way you are giving it I would say James is about eight or nine? A I don't know.

Q What is the next one, that would be the last one? A Peter.

Q He is the youngest of the six? A Yes, sir.

Q About how old is Peter? A I think Peter is about six years old.

Q These children are all living now, are they? A Yes, sir.

Q Were these children all born in the Cherokee Nation? A I don't

think they were.

Q Give me the name of the mother of these children? A Lucy.

Q Your daughter Lucy? A Yes, sir, Lucy Vann.

Q These children all have the name of Vann? A Some of them children, I don't know who was the daddy.

Q You know what names you give them: you call them all Vann, do you? A They was not lawfully married.

Q They take the mother's name? A Yes, sir.

Q Your daughter lived and died as Lucy Vann did she, was that right; she was not lawfully married? A No, sir.

Q Did she ever marry at all? A Yes, she married a colored man named Bragg.

Q When did this daughter Lucy die? A She has been dead about four or five years, maybe more.

Q Something like five years as near as you can get at it? A I cannot say because I don't know; she was dead a good while before I knowed, about six months.

Q Where did she die? A Down below Van Buren, went down there with a man, I never knowed of them being married.

Q Where was Lucy Vann born? A Born in the Cherokee Nation.

Q Where in the Cherokee Nation? A Webbers Falls.

Q About how old was she when she died? A I don't know her age.

Q How old would she be if she were living now? A I don't know her age, when the war come up we was all scattered and she was young.

Q Was she living when the war come up? A Yes, sir, she was very small.

Q Well she would be a little over 40 years of age now? A I don't know.

Q Where did she live when the war ended? A Well, she was sometimes about Fort Smith, sometimes she was at Webbers Falls and sometimes down near where I, come down there about where I lived.

Q Just about at different places? A Yes, sir; been to where I lived with my last wife and sometimes over in Fort Smith working.

Q Where was John born? A Cherokee Nation.

Q Where was James born? A They was all born in the Cherokee Nation but one.

Q Which one was that? A I think that was the youngest one, I think it was born in the States, I believe in facts two of them was born in the States.

Q Which ones? A I don't know; it was about 30 miles from me, but it seems to me like two of them was born in the States.

Q Where was this daughter, Lucy, between the time of 1865 and 1875, when you began farming? A Sometimes she was at Alma and sometimes she went off to Memphis cooking for Mrs. Brock, cooked for her, I can't tell you where she was.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Q Your wife is not on that 1880 roll? A No, sir; but I am on the Clifton roll.

The 1896 census roll of citizens of the Cherokee Nation examined and the applicants' names not found thereon.

Q Did you draw Cherokee strip money? A Yes, sir.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 180, #2949, George W. Vann, Sequoyah District.

Q You didnt draw for your wife did you? A No, sir; she aint on any roll; there aint none of my wives on the Cherokee Roll.

Q Did you draw Cherokee Strip money for these three young children, John, Harrison and Janie? A No, sir, Jane she was too young on the Wallace roll and their names was knocked out on the Kerns roll.

The Kerns-Clifton roll of citizens of the Cherokee Nation examined and the names of applicant's children or grandchildren not found thereon.

Q Did you draw strip money for these grandchildren? A They aint any of them on the Kerns-Clifton roll, they were left off.

Examination continued by John F. Pealdis, Attorney for Applicant:

George W. Vann - 8.

Q I didn't understand what you said your age was, Mr. Vann? A About 87, as near as I can guess.

Q You say your age now is 77 or 87? A I didn't say 77, I say about 87.

Q You say you were owned at the time of the war by Jim Vann?

A Yes, sir.

Q Was he a Cherokee Indian? A He was himself.

Q And lived in the Cherokee country? A He did.

Q Did you reside in the Cherokee Nation when the war broke out in '61? A I did.

Cross examination by W.W.Hastings, Cherokee Representative:

Q Where did you live in the Cherokee Nation at the opening of the war? A I lived with old Ben Johnson near Fort Smith.

Q That is at the beginning of the war? A Right there.

Q You lived with Ben Johnson there? A Yes, sir.

Q Where did Jim Vann living? A Jim Vann stayed here about Fort Gibson and Tahlequah; I was hired to Ben Johnson for \$800 by Jim Vann and put there to work about six years before the war

Q Well then, you left Jim Vann somewhere about 1855? A Jim Vann come down there and tied to get me and Ben Johnson and him had a great fuss and Ben Johnson would not let me go.

Q You left Jim Vann's home about six years before the war? A I was put there to work.

Q I will ask you what Jim Vann's wife's name was? A His last wife was named Minta.

Q What was her father's name? A I don't know.

Q You don't know what her maiden name was? A I don't know exactly because Jim Vann had two or three wives to tell you the truth about it.

Q You don't know then who Mrs. Vann's father was? A (No response)

Q You belonged to Jim Vann's father before that? A Old Joe Vann, yes, sir.

Q Joe Vann was blown up on a steam-boat? A Yes, sir, on the Mississippi between St. Louis and coming down, the upper Mississippi, between that the the Mississippi river.

Q You was not along with him? A No, but I was keeping race horses for him.

Q About when was that? A Before the war, I don't know how long.

Q Do you know what that steam boat was named? A I do.

Q What was its name? A Lucy Walker.

Q What kind of a house did Jim Vann live in here at Fort Gibson when you belonged to him? A To tell you the truth I can't recollect, it was not any log house but I don't recollect what kind it was.

Q You don't remember what kind of a house? A I recollect the last time I had anything to do with him, him and Wash down here went to Portliholia to fight and that is the last time until he come to try to get me to wait on him.

Q I want to know some sort; something about Jim Vann's home? A I where he lived so long at Webbers Falls, but up here I was not.

Q Now then when you was hired out about six years before the war to Ben Johnson, where did Jim Vann first live when you left him?

A I think he was living at Park Hill when he hired me out.

Q Was his wife then alive? A I don't know, after they separated, I don't know nothing about them; they parted three or four times and went back together.

Q Were they living together when you left up there, Park Hill?

A I don't know.

Q What sort of a house did they occupy at Park Hill? A I don't know, I don't recollect.

Q You don't remember that? A I don't know, half of the time he would be drunk and get money from me and go where he pleased.

Q And you would get the money and go back and pay him? A If I found him in Gibson.

Q You would get the money and pay him? A Sometimes I would send it to him by mail.

Q You could write at that time? A Yes, sir.

Q But you don't know anything about the looks of the premises

about your old home; did they have a spring? A Yes.

Q Had a spring did they? A Yes, sir, sorter under the hill.

Q But you don't know what sort of a house they were living in?

A No, sir.

Q Don't know what kind of a barn? A No, sir.

Q How many children did Jim Vann have? A I don't know, sir.

Q Did he have any children at all at the time you left him?

Q If he did he didn't have them with him.

Q Didn't have them then? A No, sir.

Q Did Jim Vann have some brothers? A He did.

Q What were their names? A One was named Johnie, he taught school at the Seminary over at Tablequah, he died there; that is what I understood.

Q You never saw him there? A Yes.

Q And you know that the same one was his brother you saw before the war? A Yes, sir.

Q He was not a full brother of Jim Vann? A I don't know because my old Master had two wives and I don't know.

Q At least a half brother? A That's my understanding.

Q Did he have a sister? A Yes, sir.

Q What was her name? A Sallie.

Q Who did she marry? A Sallie married Israel Lavore.

Q And you knew him? A Yes, sir.

Q Did he have any other sister? A I don't know, that is the youngest one.

Q I will ask you, Mr. Vann, if you didn't apply to the Dawes Commission in '96 for citizenship, five years ago? A Why, no.

Q Filed your case on September 6th, 1896, and was not J. P. Mullen your Attorney? A Yes, sir.

Q He was? A Yes, sir.

Q And you filed that case? A Not myself I didn't because I got my money on the Wallace roll and on the Kerns-Clifton roll.

Q Why did not apply to the Dawes Commission? A Oh, but it was for some of the children because I got my money on both the rolls, Wallace roll and the Kerns-Clifton roll.

Q You already had your money at the time the application was filed for your children? A Yes, sir, I think so; I got my money at Hayden.

Q This application was made for those children that were living here? A I had got my money sure.

Q Do you remember that that Hayden payment took place in February of 1897? A I don't remember, I got my money.

Q But you didn't get any money before September 7th, 1896? A I got some of my money.

Q Did you get any money before September 7th, 1896, the Freedman roll was not made up? A I got it on the Wallace roll.

Q You deny then that you applied to the Dawes Commission there and J. P. Mullens as your attorney in 1896? A I deny for me myself.

Q Did you apply for citizenship in the Cherokee Nation? A I think that when I was debarred at sometime like, right here, I know I did, went before Mr. Needles I believe it was and Mr. McKennon and Mr. Tams Birby, and I had not been admitted, and the Cherokees would not do it, I had gotten money on the Wallace Roll and on the Kerns-Clifton.

Q You think you applied? A I think I did.

Q I will ask you if you were ever in the State of Louisiana

A Yes, many of a time when old Joe Vann was running his boat.

Q Were you ever known by the name of George W. McKamy? A Yes, sir; that's my father, George W. McKamy, a full blooded African negro, that is him; my father he come with my mother here, Charlotte Brown, half Cherokee and half colored my mother.

By Commissioner Breckinridge:

Q Your mother's mother was she Cherokee? A She was a negro belonging to old Ben Brown, so I was told.

By V. V. Hastings:

Q Now, you denied five years ago before the Kerns-Clifton Commission that you ever went by the name of George W. McKamy? A No, sir, because my license is that here on Book B in Muskogee, that is

my father's name.

Q When were your preaching license put on that book? A They were on that book when the law come in this country.

Q Well about how long ago? A About '75.

Q Then you admit five years ago that your name was George W. McKamy?

A Yes, sir, that is what it has been all the time my father was a freed man.

Q Were you ever in Chattanooga, Tennessee? A Yes, sir, in my life I have been.

Q Have you been there since the war? A Yes, dozen of times, I run up and down there and dozen of times, I have up to my Uncle's in Knoxville, Tennessee.

Q How long did you ever live in Chattanooga? A Never lived in it at all.

Q And you have been there a dozen times? A Yes, sir.

Q When were you there the last time? A I don't know, sir.

Q What were you doing running up and down there? A I have some uncles living on Missionary Ridge, and I have got some lives across from that on the Ridge that lives in Nashville.

Q How did you keep up with there whereabouts? A I just keep up with them like you do with your kin folks.

Q You have resided in Argenta, across from Little Rock? A I went to the Brooks and Baxter war, Powell Clayton come up and got about fifty negroes and went down to new Argenta, George Hughes, after we come, after that all of us was made vacate by the President on both sides.

Q How long did you remain down there? A About six months and was constable of Argenta on that side.

Q I asked you the question before the Kerns-Clifton Commission if you went down there and you denied it? A No, sir.

Q You were there? A Yes, sir, I went away from here and went there.

Q I asked you also if you were not constable over there at Argenta and in 1896 before the Kerns-Clifton Commission you denied that?

A I did not.

Q You were, were you? A Yes, sir.

Q Where was your wife at that time? A At the little old house below the Ferry land some, part of the time she come down there where her mother was right there at Argenta.

Q Was her mother there at Argenta? A She was some of the time. This wife that I have got ~~as~~ was part of the time there in the Creek Nation and part of the time she was not.

Q Now Uncle George, when were you married the first time?

A I don't know.

Q About how long before the war? A Oh, long time.

Q About how many years before the war? A I don't know.

A Give me some sort of estimate? A I wont give you something I don't know.

Q About how old were you when you married the first time? A I can't tell you.

Q Did you have any children by the first wife? A I did.

Q What was that child's name? A That was the oldest one, named Jim Vann.

Q That was your oldest child by your first marriage? A No, I had one died that is the second boy.

Q About how old would Jim Vann be if he were living? A I don't know, sir.

Q Then you haven't the slightest idea when it was your first married

A I don't.

Q How long did you live with your wife? A I don't know, a long time.

Q About how many years? A I don't know.

Q Where was this women, this first wife of yours, where did she stay, with you? A No, sir, she didn't she staid with old Henry Fulson at Doakville.

Q How far is that? A That is in the Choctaw Nation.

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- Q How far from Red River? A It is on this side.
- Q About how far? A I don't know.
- Q Is it in the southern part of the Choctaw Nation? A Yes, sir.
- Q Near the line? A I don't know where the line is.
- Q You were a slave of Jim Vann up here in the Cherokee Nation yet you had a wife that you had married at Doakville? A I married her, she was hired to Clem Lavore and I went to Fort Smith to see her and married her.
- Q That is where you first met her? A I married her in Fort Smith.
- Q Now, when did you marry the second time? A I married down here at Webbers Falls.
- Q How long before the war was that? A I don't know.
- Q About how long? A Oh, I don't know.
- Q A long time before the war? A Good bit.
- Q You can't give any estimate at all? A Can't tell you what time, don't know and aint going to try.
- Q I would like to get some estimate about as to when you married the last time? A I married after the war.
- Q About how long after the war had closed? A I don't know, old Peter Stidham married me.
- Q As much as thirty years ago? A I don't know, I married her after the war, I don't know whether thirty years is after the war or not.
- Q About how many years after the war? A I aint got no recollection and can't tell you.
- Q Now, Uncle George you applied for citizenship down in the Choctaw Nation, didn't you? A I did not; my children did; they said I was a Cherokee.
- Q You admit now you applied for your children? A I went there and they went there and they told me to take counsel that you are a Cherokee and you can't do it.
- Q You denied that five years 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 20th day of April, 1901.

Signed, T. B. Needles,  
Commissioner.

April 18, 1901.

George W. Vann, et al, hearing continued:

Questions by Mr. Hastings:

- Q Uncle George, you applied to Colonel Wisdom and Mr. Keyes when they were sitting here as the Old Settlers Commission, didn't you, to be enrolled? A I said my mother came in as an old settler and she was, she came here as an old settler.
- Q Your mother did? A Yes, sir, was was brought here; my mother was part indian and I thought if it was half negro and half indian I could get it and I applied and wouldn't do it.
- Q You admit now that you applied to them? A I do admit.
- Q Didn't you deny five years ago that you ever applied to be enrolled as an old settler? A No, sir, you said I had applied to Mr. Tams Bixby and I said then I hadn't because they hadn't put me in, but not as an old settler on that.
- Q Do you admit now that you applied to be enrolled as an old settler, a Cherokee? A I don't know whether it was, I seen Mr. Keyes, I don't know whether the right was in it or not, we and Harper Houston, because I was half negro and half indian and they said that I could and they said no and that stopped me.
- Q Did you come here with your mother; you testified you came here in 1836? A Yes, sir, I came with my mother in 1836, and she came to settle and she came here once, old Ross, and the old chief John, and one of the Bushyheads, and me and my mother all came here, and come here in a two horse vehicle before any of the indians located



in this part, and came here and looked, old Chief Ross they did, he came here, and after he came here he went to Washington, and came back and went to Washington and his wife died and he married another woman, his wife which one he had when he come to the nation, and he married some woman at Washington city, and then came back here and went back to Washington and died, he married out of the nation that was the chief we came with at the beginning.

Q You came ~~xxx~~ with him? A Yes, sir, I came before the indians came; they came to look at the land.

Q You came with Chief Ross? A Yes, sir.

Q It was before any indians came out here? A Yes, sir, there was none had come here; they came to look at this country.

Q Where did John Ross' wife die? A Which one?

Q That one you were talking about? A Died somewhere about Tablequah somewhere, and he went to Washington and married again there and he came home and went back to Washington and he died.

Q How long after you came out before he died? A He was here a good while before he ever died.

Q Five or six years? A Yes he was; you may laugh but you will find out, you know it, and his remains, when I first seed him I was here and they took him there and fetched him in from Washington city, by Van Buren.

Q Did they take him to Van Buren on that Frisco train? A No, sir, I don't know how they got him there; I was there and saw him put on the boat; I am talking about what I know, you know now, ask some of these gentlemen whether he had a wife that died here and went to Washington and married again.

Q Who else came along with you when you came out here? A I came with my master, with Joe Vann.

Q Joe Vann? A Old Joe Vann, with all the women and little children.

Q What children? A Negro children.

Q What about his children? A Joe Vann's children never came, a whole brigade came in here and met us here, and we came around on the steamboat, and little children, little negro children, came and got off in Fort Smith at this nation side, and I was waiting on him, and a brigade came here the other way and landed; you may whisper but it is facts; you can't deny it either, the records show it.

Mr. Faulds: You said you were born in Tennessee? A Yes, sir, I was born in Ross county right under Missionary Ridge.

Q You came here to remain here in 1836, sometime about then?

A I was here twice, I came with my mother first in 1835, then there was three removals, 1835, 36 and 37; just exactly this way.

Q You remained here when? A In 1836.

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

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 19th of April, 1901.

Signed, T. B. Needles,  
Commissioner.

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April 19th, 1901.

George W. Vann, et al., hearing continued:

Warren Gilpatrick, called as a witness for applicants, being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

Q Give your full name there? A Warren Gilpatrick.

Q How old are you? A 50 years old.

Q What is your post office? A Ballisat.

Q In what district do you live? A Sequoyah.

Q How long have you lived in the Cherokee Nation? A Lived here all my life, sir and on.

Q Were you born in the Cherokee Nation? A I was born in the old

Nation, come from the old country.

Q In what State? A ~~Tennessee~~ Tennessee and South Carolina.

Q When did you come to the Cherokee Nation? A When I was a boy.

Q Sometime before the war? A Yes, sir.

Q Were you a slave before the war? A Yes, sir, I reckon so, my people say.

Q You remember very well back at that time you were 14 or 15 years old? A My mother always said we belonged to a man by the name of Bill Padgett.

Q Do you remember far enough back to know to whom you belonged?

A No, sir.

Q Your mother said you belonged to Bill Padgett? A Yes, sir.

Q And you suppose that you belonged to the same man? A Yes, sir.

Q Where were you during the war? A I was in the Cherokee here part of the time.

Q Tell me now just where you were, you were old enough to remember?

A I was here, right here in Fort Smith, right here in the bottom, are at Fort Smith during the whole war.

Q Tell me where you were during the whole of the war? A I was in the war part of the time.

Q Do you mean in the army? A Yes, sir.

Q That was the last of the war? A Yes, sir.

Q What were you doing in the army? A Just running around waiting on people.

Q Where were you when the war closed? A I was here.

Q Do you mean in Fort Gibson? A No, sir.

Q Well, tell me where you were? A Down here in the bottom at the old Johnson place.

Q You were not in the army then? A No, sir.

Q That is where you were at the time the war closed? A Yes, sir.

Q Who owned that place, that Johnson place? A Ben Johnson is all I know.

Q The old Ben Johnson place? A Yes, sir.

Q Well now, give me some account of yourself from the close of the war down to this time; how long did you stay there on the old Ben Johnson place? A I stayed there off and on; I stayed there all the time.

Q Are you there now? A No, sir.

Q In what year did you go to the old Ben Johnson place? A I come there in '66.

Q Where did you go from? A I come from the army then.

Q Well, where? A Richmond, Virginia.

Q You were in the Army at Richmond, Virginia? A Yes, sir.

Q And you came to the old Ben Johnson place from Virginia in '66?

A Yes, sir, right here to the Territory.

Q What were you doing in the army in Virginia? A Just running around following it up, had nothing else to do, just following the soldiers up.

Q How did you go to Virginia? A I come back with the crowd.

Q How did you go there, I said? A I went with the soldiers.

Q With what soldiers? A The Federals.

Q Where did you take up with them? A I, taken up with them at Memphis.

Q How did you go to Memphis? A I went with the people passing.

Q Where did you first take up with the troops? A Up here in Arkansas, on White river.

Q What were you doing up there? A Just floundering about as a boy would, I had no one but myself.

Q When was that you took up with the troops there in Arkansas?

A I could not say.

Q You are supposed to know something about yourself, you are supposed to know something or you would not be here; was that your first taking up with the troops? A Yes, sir.

Q And you followed them to Memphis? A Yes, sir.

Q And from Memphis to Virginia? A Yes, sir.

Q And from Virginia you came back here in '66? A Yes, sir.

- Q Where had you lived here before you went off with the troops?  
A Down at the old Ben Johnson place.
- Q You lived there when you first came? A Yes, sir, that is where my people left me.
- Q When you first came to the Cherokee Nation where did you locate?  
A Right there on the river this side of Fort Smith.
- Q Your mother belonged to Bill Padgett? A Yes, his daughter I reckon she belonged to him.
- Q Did you live with your mother before the war broke out on the old Ben Johnson place? A No, sir, my mother died.
- Q Well, where did you live before the war broke out, when you came to the Cherokee Nation? A I lived down there on the bottom on the old Ben Johnson place.
- Q That is where you lived and where you were? A Yes, sir.
- Q Do you remember your mother? A No, sir, not good; I remember her name.
- Q That is about all you remember? A Yes, sir.
- Q Well, who owned you and controlled you and directed your movements about the time you were ten or twelve years of age; there was some authority in the country in that day, who had charge of you? A I forget the man's name now; he is dead and I forget his name; his name was Sam though.
- Q White man? A No, sir, colored man.
- Q ~~Well that white man owned you and directed your movements before you went to the army?~~ A None at all.
- Q You say you were a slave? A I said by my mother, I recollect I was a slave.
- Q But you have no recollection of being under the control of a white man? A No, sir.
- Q And you were living on the old Ben Johnson place? A Yes, sir.
- Q Is that the first you can remember of yourself when you were living on the old Ben Johnson place? A Yes sir, before the war.
- Q And you remember that place very well, do you? A Yes, sir.
- Q How old were you when you first went there? A I could not tell you, I am just going by now what the old people said my age was.
- Q I am taking about how what you remember; you remember the Ben Johnson place there before the war? A Yes, sir.
- Q They made cotton and corn there? A We never made any cotton, made corn.
- Q Do you remember living there some years before you went off to the army with the people? A Yes, sir, lived there two or three years.
- Q That is the first you have any recollection of in the Territory?  
A Yes, sir.
- Q Is the old Ben Johnson place? A Yes, sir; where they were camped, lots of them was camped there.
- Q When you went off to the army what work did you do, waiting on people? A Yes, sir.
- A Carrying horses and such as that? A Yes, sir, cooking for the soldiers.
- Q That was pretty soon after the war broke out was it? A Yes, sir, about the second year.
- Q Give me the name of your father? A Benton Gilpatrick.
- Q Is he dead? A Yes, sir.
- Q Do you remember him? A Yes, sir, remember seen him.
- Q He died when you were very ~~much~~ little? A Yes, sir, small boy.
- Q Have you any brothers? A No, sir.
- Q Any sisters? A No, sir.
- Q Have you any kin folks? A No, sir, no one but myself.
- Q How did you happen to come back here then, in 1868, from Virginia?  
A That is where I lived, where I left my people.
- Q Who were your people if you have ~~no~~ sisters, brothers or aunts?  
A I left my mother.
- Q Your mother was dead? A Not at that time.
- Q You said she was? A Did I say she was dead at that time?  
Q You said she died in your early recollection? A The people I

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was acquainted with lived here; that is the only place I come, there is where I went from and there is where I come.

Q That is what brought you here in '66? A Yes, sir.

Q What fixes it on your mind about it being in '66 you came back from Virginia? A That is the year.

Q You were in Richmind? A Yes, sir.

Q Do you remember when General Lee surrendered? A Yes, sir.

Q They had a big jollification there in Richmind? A Yes, sir, I was right there.

Q Then the fighting was all over? A Yes, sir.

Q Did you then come right on? A I returned here.

Q How long did it take you to come here? A Took us about, the way we traveled it taken us about two weeks, three weeks.

Q To come from Richmond here? A Yes, sir.

Q You left immediately after the jollification of General Lee's surrender? A Yes, sir, right on here.

Q He surrendered in the early spring? A Yes, sir.

Q And you got here before summer? A Yes, sir, I got here in the latter part of the summer.

Q You said you got here in about three weeks after he surrendered along early in April, you must to have gotten here according to that before summer? A It may have been.

Q It took you about three weeks? A Yes, sir.

Q What way did you come? A Horse back.

Q Rode straight through in three weeks? A I said in about three weeks, I could not ~~remember~~ exactly remember.

Q All the way here horse back? A Yes, sir.

Q Who all were with you? A Oh, well I could not tell; there was twenty or thirty all in a gang coming together.

Q You spoke of being in the army? A Yes, sir.

Q You were in Richmond when General Lee fell? A I was with the Union army part of the time and I was with the Yankee army.

Q The Union Army had charge of Richmond when General Lee surrendered? A Yes, sir.

Q And you were with the Union army when General Lee surrendered? A Yes, sir.

Q And who were these people who came back with you after the war closed? A I could not tell you so many different people.

Q Mostly colored people? A No, sir, white people and colored.

Q Well now what way did you come when you came back you remember some of the circumstances of the trip from Richmond here? A I don't know whether I do or not, it has been so long.

Q Did you go through any cities you remember? A I come through Memphis, Tennessee, I remember that.

Q That is about all you can remember is it? A Yes, sir, I know when we got to Memphis, there was not any cities through the country but Memphis much.

Q Well now what do you know about George W. Vann? A I know that I staid with him.

Q Where? A Down here on the river in the bottom.

Q On what place? A Ben Johnson place.

Q When was it you stayed with him? A '66 when I come back.

Q Did you find him there when you came back in 1866? A Yes, sir.

Q How long did you stay with him? A I stayed with him about eight or nine months, about twelve months.

Q And then what did you do? A In 1866 I taken a strip to hunt up some of my people.

Q What kin were they to you? A Some uncles I heard of.

Q You told me just now you didn't have any uncles? A I told you I didn't have none here.

Q Where did you have any? A In the old country, I got on track of them, I heard of them and I went out to hunt them.

Q How many uncles did you have as far as you know and give me their names? A I had three.

Q Give me their names? A One was named Isaac Banover.

Q Did he ever live in the Cherokee Nation? A Not as I know of.

Q Where did he live? A I don't know where he lived.

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Q When you got on the track of him where did he live? A In the old country.

Q In what state was that? A South Carolina.

Q And you went back to South Carolina? A Yes, sir, went back there to hunt up my people.

Examination continued by John F. Faulds, Attorney for Applicants:

Q Do you remember of seeing George Vann before the war broke out in 1861? A Yes, sir, I seen him there on the river.

Q In the Cherokee Nation? A Yes, sir.

Q You were here when the war began? A Yes, sir.

Q Do you know whether he was here at that time? A He was down there on the river.

Q When the war began? A Yes, sir.

Q And you stated that you were away sometime during the war, did you see him at all during the war, that you remember? A No, sir, I didn't see him from the war up to '66.

Q Where have you lived since 1866? A I have lived, I lived part of the time here in the Creek and part of the time in Fort Smith there, worked principally on public work.

Q You have lived pretty much of the time in the Cherokee Nation?

A Yes, sir, made this my home.

Q Have you since 1866; has George Vann been away from the Cherokee Nation for any length of time? A Not as I know of, I stayed right there around there and knowed him, he has not been anywhere as I know of.

Q You have seen him off and on? A Yes sir.

By Commissioner Breckinridge:

Q You say after you came back to the Territory in '66, that you went to the Ben Johnson place? A Yes, sir.

Q You stayed there a little while and then went to South Carolina to look up some kin folks? A Yes, sir.

Q How long did you stay back there in South Carolina? A About three months, three or four months.

Q You finished that visit and then did you come back to the Cherokee Nation? A Yes, sir.

Q Where did you settle then? A Right here by Fort Smith, in the bottom right there by old man Vann.

Q What was old man Vann's given name? A George, all I know.

Q Did you settle on George Vann's place? A Yes, sir, I stayed there with him.

Q Is that where you cropped? A No, sir, I never cropped then.

Q What did you do? A I worked around by the way.

Q Did you see George Vann at that time? A Yes, sir.

Q Is that this man's place you are talking about? A Yes, sir.

Q How long did you live with him and around about him there?

A I lived around about him there three or four years, I mostly stayed with him; I would go around and work and come back there and stay with him.

Q Have you known him ever since that time? A Yes, sir, ever since that time.

Q Have you been settled in the Cherokee Nation ever since your return from South Carolina? A Yes, sir.

Q And have known George Vann, this applicant, all the time?

A All the time.

Q Has he been settled in the Cherokee Nation all the time?

A Every time I seed him he was here.

Q Have you been seeing him all the time? A Yes, sir.

Q You began living there with him and about him after you came back from South Carolina; how long did you live with him or close to him? A Oh, I lived close to him for three or four years.

Q And then how far did you live from him? A Lived ~~from~~ about five miles.

Q And how long did you live that far from him? A I I could not tell exactly.

Q Well, five or six years, six or seven years? A Five or six years.

years.

Q You were living there all the time and he lived at the other place all the time and he was staying all the time continuously at home, was he, at the other place? A All the time I saw him.

Q Did you see him frequently? A He was a preacher and I have heard him preach in the settlement.

Q He was abiding there and you heard him preach around in the neighborhood around there and he was settled there in that way with no interruption, but what you would call neighborhood preaching?

A No, sir.

By Mr. J.D.Faulds:

Q Did you know who owned George Vann at the time of the war?

A I always heard him say Jim Vann was his boss, I have heard him talking about Jim Vann.

By W.W.Hastings, Attorney for Cherokee Nation:

Q When did you hear him say that Jim Vann owned him? A I heard him say it all along.

Q Before the war? A Yes, sir.

Q Why is it you remember who owned him when you don't know who owned yourself? A I don't know that I had any owner, if I did I don't know anybody.

Q You were too young to know that? A At least nobody ever told me that I had any, at least my father, my father was a Choctaw.

Q I believe you state that when you came back in 1866 you come back to George Vann's place, did you? A No, sir.

Q Well, to where George Vann lived? A Where he stayed.

Q And remained there with him then how long? A Two years or more.

Q Then you went in search of some of your people in South Carolina?

A Yes, sir.

Q Now, if I get your statement correct, you remained in South Carolina in search of your people about a year? A No, sir.

Q How long? A I staid there three or four months.

Q Then you came back from South Carolina to the Cherokee Nation and to this same place you had left there? A Yes, sir.

Q And then found the applicant, George W. Vann, there, when you returned that time? A Yes, sir.

Q With whom was George Vann living when you know him first in 1866?

A I could not tell that, he was working there and said his boss was Jim Vann.

Q That is after the war, whom was he living with when you knew him in '60? A ~~He said he was working there and said his boss was Jim Vann.~~ I suppose he was living with his people, his boss, Jim Vann. That is after the war.

Q That was after you came back from Richmond? A Yes, sir.

Q Who else was there at that time? A There was lots of them people there.

Q Jim Vann's family there? A Well, now, I never did take any account of them for I never had any business with the indians and the white people ~~with~~ that kind.

Q But you remember distinctly of seeing George Vann there? A I remember seeing who they called his boss and they called him Jim Vann.

Q What kind of a looking man was he? A Just like any other man, been so long I can't tell what kind of a man he was, I know he was an indian.

Q You don't know whether he was dark or light complexion?

A He was about the color of all other indians.

Q Do you know whether he was tall or small? A I don't know.

Q You remember of seeing him there in '66 in the country? A I remember them calling him Jim Vann.

Q This man, George W., was living with Jim Vann, was he, at that time? A I suppose that was his place.

Q That was on the river this side of Fort Smith? A Yes, sir.

Q Did George Vann at that time have a family? A Yes, sir.

Q Of what did his family consist; did he have a wife? A I reckon so, he lived with a woman.

Q What was her name? A I could not tell her name now.

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Q You lived with them a year and was only gone three months then returned to the same neighborhood? A She has been dead so long I can't think of her name now.

Q But he had a wife at that time living with him? A Yes, sir.

Q You don't remember her first name? A No, sir, I could not tell.

Q How long after that was it before she died? A I could not tell you that.

Q Some little time after '66? A Yes, ~~xxx~~, it was after '66, but I could not tell the exact time.

Q Did he have any children there with him in '66? A No, sir, none at that time, I don't know.

Q Didn't have any children? A Yes, he had a daughter I think by the name of Mary Ann.

Q About what size was she? A Oh, she was small.

Q What kind of a house was there on the Johnson place where George Vann stayed in '66? A Log house.

Q One room? A I forget how it was built; I remember it was an old log house, where he lived it was one room.

Q I mean where the white family stayed? A It was a large double log.

Q How far was that from the bridge that crosses the river to go over in Arkansas? A I could not tell you, though it aint very far from where the bridge crosses the river now.

Q Did you know any of the Vann family before the war? A No, sir, none but the old man, Jim Vann.

Q You don't know who his wife was? A No, sir.

Q You didn't know any of the family, children? A No, sir.

Q Now you applied to the Kerns-Clifton Commission, five years ago?

A Yes, sir.

Q Was not Uncle George Vann at that time a witness for you?

A Yes, sir.

Q Were you present when he testified in your case? A I reckon I was.

Q He testified that he never saw you up until the year '70, didn't he? A No, sir, he could not do that.

Q Didn't he do that? A Not of my memory.

Q Do you remember? A I remember that he didn't testify that.

Q That he never saw you up until 1870? A No, sir, he could not say that.

Q Didn't you testify at that time that your people lived in Georgia?

A No, sir; no, sir.

Q Didn't you testify that you came here in '66 and stayed until 1869 and then went to Georgia? A No, sir.

Q Didn't you testify before the Commission in 1896 that you had only returned here about three years prior to that time from your trip to Georgia? A Don't remember that.

Q Isn't that a fact? A Don't remember that part of it; I never went to no Georgia, I don't remember telling you anything about no Georgia.

Q What about your coming back to this country about three years before that Kerns-Clifton Commission sit; how long had you been here then, in the Cherokee Nation? A I has been here all the time excepting where I tell you I worked over in Fort Smith.

Q Now in '66, what sort of a house did the applicant, George Vann, live in? A I could not tell any more about what kind of a house that was; it was a log house.

Q You lived with him? A Yes, sir.

Q It is the same place he is living now? A No, sir, he moved from there.

Q When you came back from South Carolina was he at the same place he is living now? A Yes, sir, that is right.

Q He is living right there now? A He is living up this side of the switch now.

Q That is where he was living when you came back from South Carolina? A I aint certain, I most forget.

Q You lived with him, didn't you? A Let me study.

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By Commissioner Breckinridge:

Q Is he living now on the old Ben Johnson place? A No, sir.

Q Where is he living now? A He is living up at the place they call Dora, this side of the Cherokee strip.

Q How far is that from Fort Smith? A About seven miles I reckon.

By W.V.Hastings: Now how long has he been living there at the place he is living now? A I could not say.

Q Where was he living when you came back from South Carolina?

Q There has been so much change about I have about forgot.

Q You lived with him? A I didn't live with him all the time.

Q A short time though? A I just could not tell and can't.

Q You knew where to find him? A I would find him there in the settlement.

Q He lived there in the settlement there ever since '66? A Yes, sir, that is where I always found him.

Q You ~~can~~ know that? A Yes, sir.

Q Never been out? A I suppose he has been out like every other person.

Horace S. Norman, called as a witness for Applicants and being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name there? A Horace S. Norman.

Q How old are you? A I don't know exactly, I guess I must be about 45 I guess.

Q What is your post office? A Fort Gibson now.

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

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Were you aslave in the old times? A Yes, sir.

Q To whom did you belong? A Judge Brown.

Q Tell me his full name? A I don't know anything but Judge Brown, Jim Brown; that is what they call him, Judge Brown.

Q Was his given name Jim? A I don't know that; that is what my mother always called him.

Q Where did he live? A He lived up on big Lee's Creek part of the time.

Q Where did he live when you belonged to him? A My mother was hired out.

Q Well in the old times did he live in Lee's Creek? A Yes, sir.

Q Is that where you lived during your childhood? A No, sir; I lived with mother, stayed with her, he hired her about to cook wherever he could get money for her.

Q Where were you during the war between the North and the South?

A I was with her here in the Cherokee Nation.

Q Were you with her in the Cherokee Nation during the whole of the time of the war? A Yes, sir.

Q From the beginning to the close of the war? A Why, she cooked in Fort Smith a little while, I suppose it must have been two or three months.

Q Otherwise you were with her in the Cherokee Nation? A All the time.

Q When was it she cooked in Fort Smith, do you know? A I could not tell what year it was.

Q Is your mother dead? A Oh, she is dead, yes, sir.

Q How long has she been dead? A She has been dead about ten or twelve years.

Q Give me your mother's name? A My mother was named Lucy Brown, called her Sarah sometimes, Lucy was her given name,

Q Where did your mother live at the time of her death? A She lived down in Sequoyah district.

Q What part of Sequoyah.

Q Up above Fort Smith, about six or seven miles.

Q Near what is called the Cherokee Switch? A No, sir, up above the river from Fort Smith up towards Wilson rock.

Q How long had she lived there at the time she died? A I could not tell you exactly how long, we moved from the Johnson farm up



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there, I guess it must have been four or five years.

Q You moved from the Johnson farm up there, four or five years before she died? A I come to Redland and stayed there a while.

Q By the Johnson farm did you mean the Ben Johnson farm? A Yes, sir.

Q That is what they call the old Ben Johnson farm? A Yes, sir.

Q How far is that from Fort Smith? A In sight of Fort Smith.

Q How long did your mother stay on the Johnson farm? A We didn't stay there very long, I could not tell you exactly.

Q Didn't live there very long? A Two or three years, somewhere along there.

Q That was before you came up to? A Redland, yes, sir.

Q Well, then before that where did your mother live? A Stayed down here at Webbers Falls, when the peace was declared we moved from there to the Johnson farm.

Q You lived on the Johnson farm more than once? A No, sir; did you understand me to say that when peace was made we lived on the Johnson farm?

Q No, sir. A You asked me where I was born and I said in the Cherokee Nation

Q How far up the river is Red Land from Fort Smith? A I don't know, it must be 15 or 18 miles.

Q How long did you live at Redland? A I don't know, how long, we lived up there above Redland.

Q You lived just above Redland? A Yes, sir.

Q And you went from there to the Johnson farm? A Yes, sir.

Q When was it you went to Redland? A I could not tell you just exactly what year it was.

Q A few years before your mother's death? A More than that, a good deal more than that.

Q Was it ten years before your mother died? A It was not hardly that long.

Q How long did you live in the Johnson farm when you and your mother went up to Redland? A I don't know, I could not tell you exactly how long, I never took any track of the time.

Q Did you live as much as four or five years on the Johnson farm before you went to Redland? A No, sir, not that long.

Q You went from the Johnson farm to Redland? A Yes, sir.

Q Where did you live before you lived on the Johnson farm? A We stayed up here when peace was declared she went from here to the Johnson farm from Webbers Falls.

Q Did you ever live on the Johnson farm more than once? A No, sir.

Q How did you live on the Johnson farm? A I told you I could not tell you.

Q Did you live on it as much as five years? A I don't know, I don't think we stayed there hardly that long.

Q Do you know George W. Vann? A Yes, sir.

Q When did you first remember meeting him? A Oh, my goodness, I could not tell you that, I have been knowing him ever since I was a little boy, I first seen him when we stayed down here at Webbers Falls.

Q And when was that? A I was a small boy then, I could not tell what time it was.

Q Was that during the war? A It must have been before the war, I was a small boy.

Q That is about as far back as you can recollect, when you saw him there? A Yes, sir.

Q That is where you saw him the first time? A Yes, sir.

Q Did he live there in that neighborhood? A No, must of, I guess he did.

Q And have you known him along ever since that time? A Yes, sir.

Q Been seeing him frequently ever since that time? A Yes, sir.

Q Where was he living when you went down to the Johnson farm?

A When I went to the Johnson farm he was living there then.

Q What had you been when you were at Webbers Falls, what kind of work? A I don't just like children do, I done nothing I was too

small.

Q You were not old enough to work? A No, sir

Q How old were you when you went to the Johnson farm? A About ten or eleven years old I guess.

Q Do you know when George W. Vann left the Webbers Falls neighborhood and went down to the Johnson farm? A I don't recollect when he went there.

Q He was living down there when you went there? A Yes, sir, I see him a lot of times with soldiers.

Q During the war? A That is what they call them, soldiers, the only thing I noticed about them they were dressed different from anybody else and they had guns.

Q Did they have on blue uniforms? A Yes, sir, blue clothes.

Q That was while the war was going on? A Yes, sir, while the war was going on.

Examination continued by John F. Faulds, Attorney for Applicants:  
Q ~~Have you~~ Have you always lived in the Cherokee Nation? A Yes, sir, I was out sometimes during the war; this has always been my home.

Q You would go away for a month or so at the time? A Yes, sir, I never moved away from the Cherokee Nation.

Q Do you know who owned George W. Vann at the time of the war?

A Jim Vann so I have always been told.

Q Was he a Cherokee Indian? A Yes, sir.

Q You state that you saw George W. Vann frequently ever since 1866; do you mean you have seen him in the Cherokee Nation? A Yes, sir.

Cross Examination by Mr. W.W. Hastings:

Q You applied for enrollment yourself before the Kerns-Clifton Commission in 1896? A Yes, sir.

Q They didn't enroll you; were you enrolled or not? A I don't know.

Q Did you draw any strip money? A Didn't draw any money.

Q You stated then that you lived in Pine Bluff, Arkansas? A No, sir, I never was at Pine Bluff.

Q You didn't state then that there was where you lived? A No, sir, I did not, you were the very man questioned me yourself.

Q Your name is Horace S. Norman? A Yes, sir.

Q You have six or eight children? A No, sir.

Q Do you know Charles Norman? A Yes, sir.

Q What kin is he to you? A That is my boy.

Q Leander? A Yes, sir.

Q Cora? A Yes, sir.

Q Carrie? A Yes, sir.

Q Will? A No, sir.

Q That is the same family? A Yes, sir, but I never give you that testimony.

Q You didn't swear then that you lived in Pine Bluff? A You know I didn't swear that; you tried to make me say so.

Q You knew the applicant, George Vann, during the war? A Yes, sir.

Q You saw him as a soldier? A I didn't say I saw him as a soldier, I said I saw him around the soldiers, I said I saw him around the soldiers frequently.

Q Was not he one of the soldiers? A I saw him frequently with the soldiers.

Q You remember him in particular? A Yes, sir, I do.

Q What circumstances makes you remember him and point him out to you as a boy? A My mother and him was cousins, so she always said and he said too.

Q You knew him in that way while you lived at Webbers Falls during the war, you and your mother? A We lived there in right at Webbers Falls, hired about.

Q With whom did she live there? A I don't know, who she lived with.

Q Don't know who she was working for, do you know any one she was working for? A I don't know.

Q Not a single person? A I don't know, I know she stayed there.

Q With whom was she living, you and she living immediately after the war and at the time you left the neighborhood and come down to the Ben Johnson place near Fort Smith? A Didn't live with anybody, staying in our own house there.

Q You don't know whom she was working for at the time you started from there down? A No, sir, I don't know who she was working for.

Q Now, your father died before the war? A I don't know whether he did or not.

Q You never knew him after the war? A My father went off sometime, I don't know whether he died or not.

Q You never saw him after the war? A Not after the war.

Q With whom did you live on the Johnson place when you went down there? A We stayed there in the house there, didn't stay with anybody at all, just got the house and stayed in a little log house.

Q Just you and your mother? A Well, she had other children, Hudson.

Q Was he older or younger than you? A He was older.

Q How much? A Two or three years.

Q Than you? A Yes, sir.

Q Where place did you farm down there? A We didn't farm.

Q What did you do then during the first year? A Just worked about anywhere could get work to do.

Q For whom did you and your mother, or any of you, work? A Just anywhere we could get to work.

Q Name some persons you worked for here in 1866? A I don't know.

Q Name some white person, or Cherokee, who was living there at the time? A There was not many white people in there.

Q Name some one? A I don't know.

Q Jim Vann was there was not he? A Yes, sir.

Q That was his former owner? A I say a person can't study up all these things.

Q You know he was there? A Certainly I do.

Q That was in 1866? A Yes, sir.

Q After peace? A Yes, sir.

Q His wife was there? A Yes, sir.

Q What was her name? A Her name was Nancy.

Q Jim Vann's wife? A Jim Vann's wife; I don't know what ~~her~~ K ~~her name was~~ Jim Vann's wife was.

~~Q That was George Vann's wife's name then, in '66? A I told you her name was Nancy.~~

Q You don't know what her name was? A No, sir, I don't know what her name was.

Q What was George Vann's wife's name then, in '66? A I told you her name was Nancy.

Q Did he have any children at that time? A I think so.

Q Do you remember them? A Yes, sir.

Q What were their names? A He had one named, John, Mary Jane, and I don't know as I.

Q Is that his present wife? A Oh, no, his present wife is now is named Mollie.

Q How long did that wife live, that wife that you knew in '66?

A I couldn't tell you exactly how long she lived.

Q You can remember no Cherokees down there other than his former owner, Jim Vann, when you knew George Vann down there after peace, that is all you can remember is it? A There was not anything down there.

Q You can remember that one in particular? A I say there were Indians down there of course.

Q You remember about his former owner in particular? A Jim Vann.

Q Yes? A I remember his name, of course.

Q You remember seeing him down there when you went down? A No, sir, I didn't say I seen him.

Q You didn't say that? A No, sir, I didn't say that.

Q Well now, what other Cherokees did you see in the neighborhood?

A I never taken any particular notice to the Cherokees.

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Q Is there any one that you can name? A I don't know particular, I will have to study about it, I never noticed anybody.

Q Now you lived there a short time and you went over from Redland, did you? A There was Harnage there.

Q It was not William Harnage was it? A I don't know, it might have been, I don't know his given name, I always heard him called Harnage, I have seen him there.

Q Then you went down to Redland from there? A Yes, sir.

Q And you have lived at Redland ever since? A Yes, sir.

Q How long did you live down at Redland? A Oh, I don't know, I stayed there two or three years.

Q Then where did you go? A Moved from there down to the Wilson farm.

Q Are you living there now? A No, sir, I live up here now.

Q Did you ever own a place down there? A Not there.

Q Did you ever make a place in Sequoyah district? A Yes, sir.

Q Where? A Not far from Vann's place.

Q When? A I don't know what year it was in.

Q You don't know who your mother worked for down there in 1866 or '67, the first years after the war? A She was hired about.

Q But you don't know any of the people? A No, sir.

Examination continued by John F. Faulds:

Q You said that Jim Vann was living at Webbers Falls in 1866; did you mean that you said here a few moments ago, that Jim Vann was living down there? A You didn't understand me to say that Jim Vann was living there.

Q Is you said Jim Vann you meant George Vann? A Yes, sir, that is where I first knew him.

By Commissioner Breckinridge:

Q What year was that? A I told you it was time of the war was going on.

Q Not after the war was closed? A I seen him down at Fort Smith down there at the Johnson farm, I seen him before that up here at Webbers Falls.

Q How long after the war was it before you went down to the Johnson farm? A Not long.

Q Well, a year or two years? A No, sir, my mother went down there in the government wagons, just like they have got here, and I reckon it must have been a soldier driving it, and we all boys they carried us along in the wagon.

By Mr. John F. Faulds:

Q Did I understand you to say that you saw George Vann off and on here during the war? A Yes, sir.

Q At the time the war was going on? A Yes, sir.

Dew M. Wisdom, being sworn and examined by Commissioner

C. R. Breckinridge, testified as follows:

Q Give me your full name? A Dew M. Wisdom.

Q What is your age? A 65.

Q What is your post office? A Muskogee.

Q Are you acquainted with the applicant, George W. Vann? A Yes, sir.

Q When did you first know him? A In 1862.

Q Do you know anything about his status as a Cherokee Freedman?

A No, sir, I came to Fort Smith in 1862 from Tennessee and stayed there and bought an interest in what is called at that time the Muskogee and Fort Smith Stage Line and I leased a stable on the Choctaw Reserve down there near Fort Smith and I met with old Uncle George there and hired him as a hostler to take care of our horses; that was in 1862.

By Mr. John F. Faulds: He was living in the Cherokee Nation in 1860? A That is my understanding.

By Commissioner Breckinridge:

Q He worked for you in 1862 as a hostler? A Yes, sir, he worked about three months; Mr. Kinney who is living at Fort Smith we were partners, we owned the stage line, and I hired him to take care of our horses in Fort Smith, the stable was on the Choctaw Reserve;

there is a little corner of the Choctaw Nation that angles in there in Fort Smith.

Q Did George Vann live on the Arkansas side of the line or Indian Territory side of the line? A Indian Territory.

Rachel Baker, called as a witness for Applicants, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- A Give me your name? A Rachel Baker.
- Q How old are you? A Well I can't tell exactly.
- Q About how old, as near as you can come to it? A I am about 65 I reckon.
- Q What is your post office? A Bengé.
- Q In what district do you live? A In Bengé, from here I live in Sequoyah district.
- Q How long have you lived in the Cherokee Nation? A About lived here all my life only just in and out.
- Q Were you born in the Cherokee Nation? A No, sir.
- Q Where were you born? A I was born back in the old country, they brought me here.
- Q Carolina? A No, sir, East Tennessee.
- Q When did you come to the Cherokee Nation? A I can't tell you anything about that. I come when this was all a country; I can't tell anything at all about it.
- Q Were you a slave in the old times? A Yes, sir, I guess I was.
- Q Whom did you belong to in the old days? A I belonged to, I can't think of his name.
- Q Forgotten all about him? A No, I aint scared, you know I was quite small and could not recollect anything and I never was taught ~~me~~ up anything. A man come with me but I can't think of his name.
- Q You don't remember to whom you belonged before the war? A No, sir.
- Q Where did you live before the war broke out between the North and the South? A I lived up here at the Salt Works.
- Q Where were the salt-works? A Up here on the, I can't think of the creek, I was up there.
- Q What were you doing? A I was just washing, doing about helping them cooking.
- Q Who were you helping? A I was ~~just~~ helping a man; there was a man there by the name of Drew; I worked along with him.
- Q How long did you live there? A I stayed there nearly all the time until the war come up.
- Q You had been there a good many years? A Yes, sir, when the war come up we all went out.
- Q Was your father up there with you? A I don't know my father.
- Q You don't know who claimed you as your master? A No, sir, and I didn't want to know only this man Drew.
- Q When the war came up what did you do? A We went out.
- Q Where did you go? A Out in the state and back around.
- Q In what state? A Into Arkansas.
- Q Whom did you go with? A I went out with the wagons.
- Q Who was in charge of them? A I don't know who was in charge.
- Q Were there mostly colored people? A Some of them colored and some of them white people.
- Q Do you claim to be a Cherokee Freedman? A Yes, sir, that is what I always thought.
- Q Well, when the war closed what did you do that? A When the war closed I stayed out there; they said "well the war is ended," and I come back.
- Q Where were you then? A Up on some creek.
- Q In Arkansas? A Yes, sir, and then we come back here to the Territory.
- Q Who come back with you? A My husband.
- Q How long have you had the name of Baker? A All my life.
- Q You have always gone by that name? A Yes, sir.
- Q What was your husband's name? A His name was Baker too.

Q Did you go by the name of Baker when you were a girl, before you were married? A Yes, sir, always went by the name of Baker, they always called me Rachel Baker.

Q You don't know whether it was in Arkansas you stayed during the war? A No, sir, just camped out and doing the best we could I reckon; if I could just study up I might name over some places.

Q Well, what were you doing over there? A Doing the best we could, trying to work and first one thing and then the other.

Q Did you marry over there? A No, sir.

Q Where did you marry? A I married up here at the works.

Q Married before you went to Arkansas? A Yes, sir.

Q How long had you been married when you went over to Arkansas?

A I went so, I had not been married long, my child was not born.

Q Your child was born after you went over to Arkansas? A Yes, sir.

Q How long did you stay in Arkansas? A Stayed there until after the surrender; they said it was four years after the surrender; me and my husband gathered up and worried back some way.

Q How did you happen to go to Arkansas; did the Union soldiers begin to come down? A Yes, sir and they got scared.

Q And you went away to Arkansas when the Confederates feel back and the Union soldiers came in? A Yes, sir.

Q How long do you consider you stayed in Arkansas, about four years?

A Yes, sir, stayed until the war was ended; stayed over there about a year I reckon and then come back.

Q Where did you go when you came back? A Down here in Fort Smith and I come back up into the Territory; I don't know nothing and I worked for first one and then another.

Q You first landed at Fort Smith? A Yes, sir.

Q How long were you unsettled here before you could get down to regular farming? A Well didn't do much but work around, I don't know much, no I don't know how long.

Q Where did you first locate here in the Cherokee Nation when you first came back? A Here, the Cherokee Nation.

Q Well whereabouts? A In the Pawpaw bottom.

Q Did you and your husband take up some land? A Didn't take up nothing.

Q Just worked? A Yes, sir.

Q How long did you stay there in the Pawpaw bottom? A Good while.

Q Well, year or something like that? A Yes, sir, and then he got sick.

Q And then where did you go? A Porter traveled.

Q Where did he go? A He went to Hot Springs for his health.

Q Hot Springs, Arkansas? A Yes, sir.

Q Did you go with him? A No, sir.

Q Where did you go? A I just worked around.

Q You didn't go out yourself? A I didn't go out then, but he got bad and I went to stay with him and he died

Q How long did he stay when he went off to travel for his health?

A Two or three years.

Q You all the time stayed in the Pawpaw bottom? A Yes, and sometimes I would go with him and then he got back.

Q How long did he live after he got back? A He never got back, he died at Hot Springs.

Q Did you go to him? A Yes, sir, I went to him as soon as I could.

Q Well, then after his death where did you live? A I stayed down there about two months; what little I had was here and I come back here.

Q Where was that? A Down in Sequoyah district.

Q You never did apply to the Cherokee Nation for enrollment at no time? A No, sir.

Q You are on no roll at all of the Cherokee Nation? A No, sir.

Q And you never at any time applied? A No, sir.

Q You were living here five years ago? A Yes, sir.

Q You have lived here in the Cherokee Nation ever since 1867?

A Yes, sir, been in and out ever since.

Q Yet you never did at no time apply for enrollment? A No, sir.

Q You don't know whom you belonged to before the war? A No, sir; I can't tell you.

Q Did you know any Cherokees that you saw before the war? A Yes, but then they are dead ones.

Q Name them? A Beldons and the old set of them and the old man Chickenbourd and the old man Starr and the old man Drake.

Q In what district were these Salt works? A I don't know. They said it was here in the Nation, I could not tell you.

Q Was it those salt works near Coffeyville, Kansas? A I guess it was, it was up here on the Creeks.

Q Webbers Creek? A Yes, sir.

Q It was on Webbers Creek then? A Yes, sir.

Q That was about three miles from Coffeyville, Kansas, was not it?

A I reckon, that is what they say.

Q You know they used to go there and trade didn't they? A Yes, sir. Do you remember going to the town? A Yes, sir.

Q You don't remember any Cherokees at all? A No, sir.

Q Many people work at the salt works? A Yes, sir.

Q Do you remember any colored people there except Mr. Vann?

A No, sir. He was the only one that joked.

Q He is the only man you knew? A Yes, sir.

Q Are these called Striking Salt works? A I don't know.

Q Do you know whether Strike was the man that owned them or not?

A I don't know.

Q What Cherokees did you see just after the war when you came back here? A I worked a while with old man Shakingourd; I worked a while and he died, he was living down here in Sequoyah.

Q Did you come back on this Valley train when you came back after the war? A I came along, when I was coming on the wagons along?

Q I mean after the war when you come back? A No.

Q The trains were running on that road then? A They might been running, but I didn't come back on them.

Q You saw the trains running along as you came along on this Valley road yourself when they run down through Sequoyah? A Yes, sir.

Q The railroad was there but you did not come on it? A Yes, sir.

Q That is what you mean to say? A Yes, sir.

By Commissioner Breckinridge:

Q How long did you live up at the Salt works? A I don't know.

Q A number of years? A Yes, sir, I don't know how long I was there, I was there a long time before I was big enough to do anything.

Q There when you were too little to work? A I could not tell you?

Q Then you went from there over to Arkansas during the war?

A Yes, sir.

Q Was this George Vann up there all the time? A Yes, sir.

Q He was up there all the time was he? AA Yes, sir.

Q You remember him there all the time do you? A Yes, sir.

By John F. Paulds:

Q Do you know John Williams, a white man, that has been here in Fort Gibson since you have been here and met you here this morning?

A Yes, sir.

Q You know him? A Yes, sir.

Q Did he come to those salt works that you speak about while you were working at the salt works? A While I was working there I saw him.

Q These Salt works you are speaking of, you saw him there? A Yes, sir.

Q Do you know where the Arkansas River is? A Yes, sir.

Q How far is this Webbers Falls from the Arkansas River? A Two or three miles, I don't know.

Q That is the Webbers Falls you speak of where you saw George Vann, is not it? A Yes, sir.

Q This salt works you speak of was right close to the Arkansas river where you worked, in the Cherokee Nation? A Yes, sir.

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Q In the Indian Territory? A Yes, sir.

Q Coffeyville, Kansas, you know where that is, that is away up north they got you rattled? A I don't know anything about Coffeyville, they said they would go.

By Commissioner Breckinridge:

Q Do you know the name of Coffeyville? A Yes, sir.

Q And you would go in there when you wanted to do some shopping?

A I never went in there much.

Q You know the name? A Yes, sir.

Q And you were often sent after things and sometimes go there?

A Yes, sir.

Q And you know that Coffeyville was across the state line didn't you? A No, sir.

Q Didn't you know about that part of it? A No, sir.

Q Just remember the name? A Yes, sir.

Q How far was that from the Salt works? A I don't know.

Q But the people often went there for trading? A Yes, sir; I don't know anything about how far it is.

Q Would they go in the morning and come back in the afternoon?

A Some would go in the morning and some in the night.

Q Seemed to be a good day's ride? A Yes, sir.

John Williams, called as a witness for the Applicants, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A John Williams.

Q How old are you? A I am 65 years old past.

Q What is your post office? A Fort Smith.

Q How long have you lived in Fort Smith? A Well, I have been living permanently there since 1870; I was there before that.

Q When did you first come to Fort Smith? A I come there in 1862, that is to stay any time.

Q And where did you come from? A I came from Washington Territory to the Territory here and from the Territory to Fort Smith.

Q How long did you stay in Fort Smith when you went there in 1862?

A I stayed there a month or two.

Q Where did you go to? A I was then living there and after I lived there I went to Missouri.

Q In what year was it you went up to Missouri? A '62.

Q How long did you stay up there? A I stayed there until '65.

Q When did you again come to Fort Smith? A In '65.

Q Did you go there to live? A Well I was not settled anywhere, I stayed there, yes, sir.

Q How long did you stay there in 1865? A I stayed there a few months.

Q And then where did you go? A I went back to Missouri again.

Q How long did you stay up there? A I stayed up there until the Spring of '66.

Q Where did you go then? A Came back to Fort Smith.

Q How long did you stay at Fort Smith? A I stayed there, I have been there all the time, off and on ever since, that has been my home ever since that time, I haven't been there all the time.

Q When you went there in 1866, how long did you stay there continually? A I was then buying cattle and traveling around in this country.

Q Making Fort Smith your headquarters? A Yes, sir.

Q Have you spent any considerable period of time away from Fort Smith? A About six or eight months.

Q Where were you away? A I was at Oark, Crawford County, my home was at Fort Smith.

Q Were you frequently away from Fort Smith as much as three months at the time? A No, sir.

Q You were engaged in the cattle business? A Yes, sir.

Q How long did that continue? A Up until '70.



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Q And you had occasion to go to different places during that time? A Yes, sir.

Q Did you range out into the Indian Territory? A Yes, sir, after '70 I did.

Q Well, before '70? A I was backwards and forwards from Texas.

Q And to different places in Arkansas? A Yes, sir.

Q In prosecuting the stock business? A Yes, sir.

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

Q When did you first meet him? A I first met him in '60.

Q Where did you meet him in 1860? A At the salt works.

Q Where are these salt works? A Up close to Webbers Falls.

Q What was he doing there? A He was helping to make salt.

Q Who had charge of the sale? A They were known as the John Drew salt works, I don't know.

Q Did you know anything about his whereabouts during the war?

A I did up to '62, he was in the lower part of the Territory, just down to Fort Smith, backwards and forwards.

Q And then you lost sight of him? A I went away then.

Q When did you see him again? A In '65.

Q Where did you see him? A At the mouth of the Grand River.

Q And did you have occasion to see him while you were engaged in the cattle business up until 1870? A I didn't see him until in the fall of '65, I went to Texas and come back and met him again at the Falls in '65.

Q Well and then what did you see of him after that; have you any definite recollection as to when you saw him and where you saw him?

A No, sir, not until I come back from Missouri.

Q When was that? A I come back in '66.

Q What fixes him on your mind then? A He was in the hay camp then.

Q What was he doing? A Making hay.

Q That was in '66 you saw him? A Yes, sir.

Q Where was that, in the Cherokee Nation? A Yes, sir, about ten miles from Fort Smith.

Q And did you have occasion to keep run of him after that?

A Not particular; he was always talking about religion and preaching when I did see him.

Q Do you remember definitely of meeting him at any particular periods after you met him in the hay camps? A I saw him every week or two, that is I saw him frequently after that.

Q Down to how long a time? A Up to the present time.

Q You have seen him as frequently as one would a man living immediately in your community? A Yes, sir.

Q Perhaps every month? A In 1870 I engaged in the Marshall business and was traveling in through this country.

Q And then you would meet him frequently? A Yes, sir.

Q Previous to that how about meeting him? A Well, during the time I was gone I never met him at all. From '62 to '65.

Q I am talking about the period you saw him after '65? A I saw him frequently after that.

Q You saw him almost continuously? A I saw him on and off as I would see any other neighbor, he was always about.

Q And that continued on down to 1870? A Yes, sir.

Examination continued by John F. Fualdes:

Q You say you became acquainted with Mr. Vann first in 1860?

A Yes, sir.

Q Do you remember where you met him? A At the salt works.

Q That was the salt works at Webbers Falls? A Down there somewhere.

Q In the Cherokee Nation, Indian Territory? A Yes, sir.

Q And you went away then sometime; when did you go away? A I went away in '62.

Q To Missouri; well now you say you met him at the Grand river, in what year? Yes, sir.

Q What circumstance puts that on your memory? A He was still preaching; he was at the Falls always trying to preach and talking

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about religion and I was there at the crossing of the Arkansas, he was there working when we crossed.

Q And then were did you go? A Down in Texas.

Q What were you doing in Texas? A I went down there in the Patent Right and buying cattle also.

Q Did you bring cattle back with you? A Yes, sir.

Q How did you come to go to Webbers Falls in '68? A When I come back, we were camped on Elk creek to rest a few days

Q Where is Elk Creek? A In the Creek Nation, somebody stole our work team of cattle and two horses; that left us so we could not travel.

Q That was in '68? A No, sir, '65.

Q And you say at Webbers Falls that time you saw George W. Vann?

A Yes, sir.

Q He was working there? A I don't know whether he was working there or not; I saw him in the store.

Q Where did you go then? A I went back to the road.

Q When did you come back to live in Fort Smith? A In the Spring of '66, early in the Spring.

Q And did you see Vann at that time? A I saw him, it must to have been about hay cutting time, they were getting hay on the prairie.

Q I the Cherokee Nation? A Yes, sir.

Q Well, then when did you go to live in Fort Smith? A I had not been away from there but a few months then.

Q In '66? A Yes, sir, I was at Franklin County about six months in 1872.

Q With the exception of about six months in Franklin county you had resided continuously in Fort Smith? A Yes, sir.

Q When were you appointed a Marshal? A In '70.

Q How long did you hold that position? A About 24 or 25 years.

Q You were a deputy marshal at Fort Smith? A Yes, sir.

Q And from 1866 to the present time you have frequently seen George W. Vann, the applicant, in the Cherokee Nation? A I always called it Parson Vann.

Q That is the applicant in this case? A That is the man right there.

Q Now, do you remember seeing Rachel Baker at the salt works in the Cherokee Nation? A That was a young lady cooking, she resembled the same one.

Q The one that gave evidence here? A Yes, sir.

Q What was she doing there? A She was cooking.

Q In what year was that? A In 1860.

Q She was cooking at the camp at the salt works at Webbers Falls, in the Cherokee Nation; it was not at Coffeyville, Kansas? A No, sir, down close to the Falls.

Q On the Arkansas River? (No response)

Q Now, in 1860 when you saw George Vann did you know who owned him at that time? A I don't know, but I know who was said to have owned him.

Q Who was said to have owned him? A He said Jim Vann owned him.

Q A Cherokee indian? A I don't know about that.

Q But he was said to have belonged to Jim Vann? A Yes, sir.

Cross Examination by W. W. Hastings:

Q Did you ever see Jim Vann? A I did.

Q Before the war? A No, sir.

Q After the war? A No, sir, during the war.

Q Where did you see him? A Saw him on Bird Creek.

Q Where was that? A Creek Nation.

Q When? A It was during the Portihola fight.

Q What year was that? A That was in '61.

Q He was there was he? A Yes, sir, man they called Jim Vann.

Q What kind of a looking man was he? A He was reasonably white man.

Q White man? A Almost white.

Q About what age was he? A He appeared to be about 25 or 30

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somewheres along there.

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

Q You only saw him the one time? A I saw him several times during the time we were camped there.

Q How far were these salt works from Webbers Falls and what direction? A They were right close to the Falls at John Drew's old place.

Q Well, about how far? A About a mile and half or two miles back from the water line.

Q What direction from Webbers Falls? A South of there.

Q On the west side of the Arkansas river? A Yes, sir.

Q The town of Webbers Falls was then there? A There was only one or two stores there.

Q Do you remember any one else living there; who was keeping the store? A At the time I was getting salt and I never come down as far as the town was, we only went to Drew's house.

Q What kind of a house did Drew have? A It was a one story house

Q Frame or log? A It might have been weather boarded log house, it was a double log house, porch between them.

Q You don't know whether it was weather boarded or not? A It was a good house at that time.

Q Did he have a large farm? A Pretty large farm.

Q How far was these salt works from Drew's place? A About a mile and a half or two miles.

Q Do you remember any other Cherokees that was in that neighborhood at that time? A Yes, sir.

Q Name them? A There was the Drews, two or three of them.

Q Anybody else besides the Drews? A No, not in the immediate neighborhood.

Q Did you meet any other Cherokees at the salt works? A There were several full blooded Cherokees at the time.

Q Do you remember any one of them? A No, sir.

Q Who was foreman of the Salt works? A I don't remember it now.

Q You bought salt from him? A Yes, sir.

Q Who did you buy salt from? A I come there and got the salt and give a due bill on the store.

Q What store? A Holmes' store.

Q They were at the Creek Agency at the time of the war? A Yes, sir.

Q But you don't know whom you would give these due-bills to?

A No, sir.

Q You don't remember his name? A No, sir.

Q You were there a number of times? A I was there three different times.

Q Were any houses put up around these salt works? A All in camp there.

Q About how many colored people were there? A Several were there

Q About how many? A Four, five or six.

Q Any more women except this woman you have identified?

A Yes, there were several women, but she was the only one there at the camp.

Q You identify her as being that woman? A I think she is the same woman, she has changed some since then.

Q Do you remember any other colored persons there that was there at the salt works prior to the war? A I would not know him excepting for his preaching faculties.

Q Did he have his wife there with him? A I didn't see her.

Q Did you hear him say anything about her? A No, sir.

Q What are you doing now? A I haven't been doing anything for a year or so, I have had the rheumatism; I have been keeping books at the saw mill.

Q You say you have lived in Port Smith almost continuously since the war? A Yes, sir.

Q Now, when did you quit riding as a deputy marshal? A I quit when George Crump was Marshal.

Q How many years ago was that? A It has been about eight years.

Q Have you a family? A I have got two brothers.

Q Married? A Well, I was, my wife got killed.

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- Q Are they living with you? A No, sir, one is in Colorado and the other is at Seneca.
- Q Where do you make your home there in Fort Smith? A I am boarding there at Bridges Hotel.
- Q Have you been doing anything since you were Marshal eight years ago? A Yes, sir.
- Q What have you been doing? A Different occupations, I worked at the saw mill.
- Q How long have you worked at the saw mill? A Four or five years off and on.
- Q Where was the saw mill? A Up close to Powell, Indian Territory.
- Q What else have you been doing? A Part of the time I have not been able to do anything, haven't been able to get around.
- Q Do you know he was living with in 1866; you didn't see his family, you would always see him at Fort Smith or over there in the hay camp? A No, sir.
- Q Do you know who he was putting up that hay for? A I don't know.
- Q Do you know who was boss of the camp? A Mike Wallace.
- Q Mike is in the saloon business there? A He is in the grocery business.
- Q He was boss of the camp that this man worked in? A He was boss of one camp, ~~xxxxxxxxxxxx~~ there were several cutting down on the Blackburn prairie.
- Q Have you ever been tried for any offense? A Yes, sir.
- Q For what? A I was charged at one time for stealing a hundred head of mules.
- Q Have you been tried for anything else? A No, sir.
- Q Have you ever been arrested any other time? A No, sir. They got the wrong man though.
- Q Do you know J. Warren Reed? A Yes, sir.
- Q Have you talked to him about this case? A No, sir.
- Q You have not? (Nods "No.")
- Q You never have? A Yes, I have talked to him about a case.
- Q You never talked to him about this man, George W. Vann, about this case? A Yes, I have talked to him.
- Q He is down here in town and you and others have talked to him about this case, you and the other witnesses? A I have talked to him.
- Q Was not you present when other witnesses talked to him about it? A No, sir.
- Q Didn't you talk to him last night? A No, sir, didn't see him at all.
- Q Did you talk to hi this morning? A Yes, sir.
- Q About this case? A Yes, sir.
- Examination by John F. Faulds:
- Q You were charged with stealing how many mules? A One hundred sixty head.
- Q What became of that charge? A Welle Prossed.
- Q Why? A Because I was not the man.
- Q Case of mistake? A Yes, sir.
- Q You were speaking of Jim Vann being the owner of George W. Vann, the applicant; that was the Jim Vann, the son of old Joe Vann, who was blown up on the steam boat? A I don't know about that.
- Q Do you know that it was said that he was? A Yes, sir.
- Q It was said that he was a son of old Joe Vann that was blown up on the steam boat on the Mississippi River? A Yes, sir.
- Q You are a white man? A No, sir, Irishman.
- Q Citizen of the United States? A Yes, sir.
- Q You have no Freedman blood in you and no Indian blood? A Not that I know of.

George W. Vann, the applicant, recalled, testified as follows:  
Examination by John F. Faulds:

- Q Mr. Vann, I will ask you if you ever worked in any salt works in Coffeyville, Kansas, or any place in Kansas? A Never in my life.
- Q Never worked in Kansas in your life? A No, sir.
- By V.V. Hastings:

Q You said in your examination yesterday that you had charge of a church at Tahlequah? A I did, sir.

Q When was that? A In '77, I told you that I had charge of a church at what we called Revolt, at Sandtown, Mivens town, Fort Gibson, Four Mile Branch out here and one in Tahlequah.

Q How long did you have charge of that church? A Rode that circuit there one session, then I went out and I next went to the Choctaw Nation at Sculliville, and the next one at Sulphur Springs.

Q When did your owner, Jim Vann die? A Well, sir; I don't know, my understanding was that he died in Kansas after the Portliholah fight and died up there.

Q During the war? A Yes, sir.

Q Mrs. Brewer here was a sister of his, do you know her before the war? A Why, yes, seed her here in Gibson.

Q Did you know her before the war? A Why yes; was not I under her, her, old Joe Vann's child.

Q Did Jim Vann have a woman down at the beginning of the war?

A I don't know, sir, whether he did, because six years I was hired to old Ben Johnson and never went in the family.

Q Did he have any when you left him the six years before the war?

A I don't remember, sir, because Jim Vann had me hired out and got all the money he could and get drunk.

Q You don't know anything about his family? A I knew him at webbers Falls; Sallie Lavore was Jim Vann's youngest child; he hired me out and got all the money and would get drunk.

Q How long did you work at these salt works? A I guess about two months there.

Q Who was in charge of them? A I don't know, sir.

Q Who were you under? A Well, there was a man there by the name of Crutchfield that always paid me for the work.

Q They always paid you and you sent it to your owner? A Yes, sir; well, no, sir; I never sent it to him only I would carry it to old Ben Johnson; I was hired to old Ben Johnson for \$900 that was owing and I was hired out and I would get \$30 a month.

Q What I understand from you, you were hired to Ben Johnson but was owned by Jim Vann? A Yes, sir.

Q You testified five years ago that you belonged to Dr. Tackett at that time? A Never in the world.

Q And was not Dr. Tackett here to testify the same thing?

A No, sir.

Q Didn't you swear that you belonged to Jim Vann up to just about the war and that Jim Vann sold you to Dr. Tackett and didn't you have Dr. Tackett, who is now dead, to come up before the Kerns-Clifton Commission in 1896 to swear that that was a fact? A No, sir; that is right about, I sent to Dr. Tackett; when he come to this country, old Jim Vann and him come and he got five hundred dollars in debt and when he come here old Joe Vann was about to kill him and I was his waiting bot and he had to call me back; he swore that "I had five hundred dollars interest in that nigger once" and Jim Vann had the note then when old Joe Vann come on the steam boat and found it out he was about to kill him.

Q About when was that? A I don't know. And I had to deny it and he had his tussel and I had seen him kill two or three and he said he would kill him; he said he would and he took it back and he said he would let him alone; I could go to Port Smith to Port Smith and get the record where Dr. Tackett took me up; and what is in my duty because I went to Washington City in 1872 and sied for \$75,000 and sued and got it for the negrees; that is the reason they hate me and that is what they said that man passed me once when the Wallace roll went up.

By Mr. John F. Paulds:

Q What Jim Vann who owned you was a Cherokee Indian? A He was.

Q And he was a son of old Joe Vann that was blown up on the steam boat on the Mississippi? A On the upper Mississippi, between St. Louis and the mouth of the Mississippi.

Q You say Jim Vann hired you out to a man by the name of Ben Johnson? A Yes, sir.

Q And you were working under the instructions and subject to Ben Johnson when you were at the salt works? A Yes, sir.

Q Jim Vann owed Ben Johnson an amount of money? A Yes, sir.

Q And he hired you out to Ben Johnson to pay for that debt?

A He had a mortgage on me.

Q And you were paying off that debt due to your master while you were working at the salt works? A Yes, sir.

By V. W. Hastings:

Q When was that this dispute come up between you and Dr. Tackett when Joe Vann was present that you refer to in your testimony?

A It was after I emigrated from the old Nation.

Q Well, about how long before the war? A A good while before the war.

Q About how many years? A You have got to something I don't know.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four minor children and for the enrollment of six grand children, who are orphans and children of a deceased daughter; The applicant is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. The testimony in this case has been voluminous and the applicant will now be listed for enrollment upon a doubtful card for further consideration.

The applicant's wife is not identified upon any roll, but she will be listed with him as a Cherokee Freedman on a doubtful card.

On the four minor children applied for, one is found to be of age and the application is only continued for three, viz: Harrison, John and Janie Vann. These children are respectively 19, 14 and 13 years of age, and are said to be the children of the applicant's present wife. They are not identified upon either the Kerns-Clifton roll, or upon the census roll of 1896. They are said to be living at this time and they will be listed for enrollment upon a doubtful card as Cherokee Freedman. It should be noted that the mother of these children is said to be a Creek woman and the Creek roll should be examined before a final decision is reached with reference to the applicant's wife, the mother of these children, now known as Mary J. Vann.

The six grand children named in the testimony, John, Richard, Thomas, Harrison, James and Peter Vann, are said to be living and to be the children of the applicant's deceased daughter, Lucy. The mother of these children would be about 45 years of age if living now and is said to have died some five years ago. She is not identified upon any roll of the Cherokees. The children are old enough to be upon the Kerns-Clifton roll and the census roll of 1896, but they are not identified upon either of said rolls. They will now be listed for enrollment as Cherokee Freedmen upon a doubtful card.

Reference is made to Commission case No. 257, page 44, Docket A, showing that George W. Vann et al. applied to the Bureau Commission for admission to Cherokee citizenship September 7th, 1896; that the application was denied and no appeal was taken therefrom. At present it cannot be determined whether this is the George W. Vann in question, but the case will be examined at the proper time through the original documents.

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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

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the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson

Subscribed and sworn to before me this 23rd day of April, 1901.

Signed, T. B. Needles,  
Commissioner.

\*\*\*\*\*

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of May, 1901.

*T. B. Needles*

Commissioner.

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

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

George W. Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George W. Vann.  
Q What is your age? A 87.  
Q What is your post office? A Bengo.  
Q Who do you apply for now to have enrolled? A Richard Vann.  
Q How old is he? A He must be between 25 and 30.  
Q What is his post office? A Bengo.  
Q What district does he live in? A Sequoyah.  
Q Do you apply to have him enrolled as a Cherokee Freedman?  
A Yes, sir, he has drawn twice.  
Q Is he married? A Yes, sir.  
Q What is his father's name? A George W. Vann.  
Q Are you his father? A I am; his mother she is dead.  
Q What is his mother's name? A Alta Myra Vann.  
Q Is she living? A No, sir, she has been dead several years;  
he is a brother of Mary Jane Youngblood by my other wife.  
Q Why isn't Richard Vann here himself? A He wrote to me  
that he was running on a boat as a cook and he fell off one night,  
off the stage plank, and got his leg broke, and can't come here.  
Q Where is he? A He is down here between the mouth of the  
Arkansas where it runs into White River.  
Q Are you satisfied he is alive? A A Great many of these people  
saw him here a few months ago.  
Q Where was he born? A Born in the Cherokee Nation.  
Q Always lived in the Cherokee Nation? A Yes, sir, born right  
by Mr. Houston Bengo's.  
Q Was his mother a Cherokee Freedman? A She was my wife, she  
belonged to Jim Vann.  
Q She was a Cherokee Freedman as much as you? A Yes, sir.  
Q You and her both then were Cherokee Freedman? A Yes, sir,  
claim to be.  
Q Were you married to her? A Yes, sir, married by Peter Stidman.  
Q Does the name of Richard Vann appear upon any of the rolls of  
the Cherokee Nation? A On the Wallace and Clifton rolls.  
Q Are you sure you drew his strip money for him? A Yes, sir,  
ask Col. Wisdom, he was here a while ago, he was paid on the Wallace  
roll.  
Q I thought you said Col. Wisdom paid him on the Kerns-Clifton  
roll? A He paid him first on the Wallace roll and I asked him if  
he paid him on the Kerns-Clifton roll and he said he didn't know  
whether he did or not.  
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.  
Q Did he always go by the name of Richard Vann? A Yes, sir.  
The Wallace roll examined, and the name of Richard Vann found  
thereon, page 145, No. 3087, Sequoyah district.  
Q You say Richard Vann was born and raised in the Cherokee Nation?  
A Yes, sir.  
Q And was born a free man, wasn't he? A Yes, sir.  
Mr. J.S. Davenport, attorney for Cherokee Nation: How long has he  
been running on the river in Arkansas? A He has been running a  
short time, he started there about Christmas.  
Q Hasn't he been running down there before? A No, he has been  
part of his time down there and part of his time in the Choctaw Nation  
at Sedville.



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Q How long has it been since he has lived in the Cherokee Nation?  
A Lived there all his life, only when running around.

Q How old is he now? A About 30.

Q And he has lived in the Cherokee Nation all his life? A Born right down here.

Q I am asking you where he lived? A He has lived there, when he would go out he wasn't.

Q Hasn't he been running on the river and working around on farms in the state for the last eight or ten years? A No, sir, he has been at home part of the time.

Q He is now down at White River? A Yes, sir, that is where he writes from.

Q Where is that? A That is where the Arkansas empties into the Mississippi.

Q He is at Arkansas pass? A He didn't say where it is.

Commissioner Needles: The name of Richard Vann is not found upon any of the rolls of the Cherokee Nation except the Wallace roll, and his name is found thereon. The applicant applies and gives as the reason why Richard Vann is not present in person, because of the fact that it is physically impossible for him to be here on account of an accident which has happened to him. The applicant avers that he, George W. Vann, was the father, and that Alta Morry Vann was the other.

Q Who is the mother of this boy? A Narcissa.

Q You said Alta Morry? A Narcissa Vann is his mother, I am his father, George W. Vann.

Commissioner: Satisfactory proof has been made as to the residence of the said Richard Vann, but satisfactory proof is not made as to his citizenship, and reference is made to the testimony given in the application of his father, George W. Vann, for enrollment as a Cherokee Freedman, Doubtful card No. D115. Consequently the name of Richard Vann will be placed upon a doubtful card for further consideration by the Commission.

Mr. Davenport: What is Richard's postoffice at present, where is he in ~~ARKANSAS~~? A He is running on a boat, I don't know.

Q Don't you know what county he is in? A I don't know, he is running up and down the river.

Q Don't you know at what point he is where he is hurt? A He is at the mouth of the river, his leg got broken, he is running on a boat backwards and forwards, I can't tell, I aint there.

Q You don't know from what point the letter was post marked?

A Yes, sir, I think it is a man by the name of Grimmett fetched it to me; said he was running on the boat; fetched it to my house.

~~XXXXXXXXXXXX~~ Mr. L.D.Bell, attorney for Cherokee Nation: You can't tell us just at what point we could find him? A I told you as near as I can tell you, that he said he got hurt down at the mouth of the river, where White River goes into the Mississippi; a great many here knows him.

Mr. Davenport: Is it the mouth where White River empties into the Mississippi or the Arkansas empties into the Mississippi? A He writes to me that it is down near White River, and Grimmett fetched it to me up home.

Q Didn't say anything about being at the mouth of White River or the Arkansas? A He said he was at White River down on the Mississippi, that he fell off the stage plank.

Commissioner: You don't know the post office? A No, sir.

Q YOU DON'T know where the latter was dated? A No, sir, because this other man, he was on the boat and Richard was there on the same boat.

Q And Grimmett says he is somewhere down about the mouth of White River? A Yes, sir, he wrote this letter and Grimmett fetched it.

Rich and Vane - 3.

Q That is all you know about it? A That is all I know about it in the world.

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 22nd of April, 1901.

*[Signature]*  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Earl Gibson, I. T., April 29, 1901.

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

Additional testimony.

Annie Green, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Annie Green.  
Q How old are you? A I don't know my age exactly, but I think I am about 35 years old.  
Q What is your post office? A Hedges.  
Q Have you lived in the Cherokee Nation all your life? A No, sir.  
Q How long have you lived in the Cherokee Nation? A About nine years.  
Q You want to give some testimony in the application of George V. Vann, do you? A Yes, sir.

By F. F. Hastings, attorney for Cherokee Nation: We summoned her here for that purpose.

- Q You are married now? A Yes, sir.  
Q What was your maiden name? A My maiden name was Annie Pryce.  
Q Where were you born? A I don't know, sir, where I was born.  
Q When you were old enough to first remember, where did you then live? A At Little Rock; well, in Argenta then, but it is called North Little Rock now.  
Q It is across the river? A Yes, sir, in Argenta.  
Q How long did you live at Argenta? A I lived there up until 14 years ago.  
Q Were you married there? A Yes, sir.  
Q With whom did you live before you were married? A My mother.  
Q What was your mother's name? A Mandy Yarbrough.  
Q What was your father's name? A Mose Price.  
Q Is your father dead? A Yes, sir, that is what I was told, I haven't seen him.  
Q You didn't know your father? A No, sir.  
Q Your mother, is she living? A Yes, sir.  
Q Where does she live now? A She lives in Argenta.  
Q Where she used to live before you left there? A Yes, sir, right at the same place.  
Q Do you know this colored man here, who goes by the name of George V. Vann, the applicant? A I got acquainted with that name 14 years ago by the name of Vann.  
Q Do you know the man now? A Yes, sir.  
Q I don't care about the name; you know the man, do you? A Yes, sir, I know the man.  
Q How long have you known him? A Ever since I can recollect.  
Q Mrs. Green, where did you know him? A In Argenta.  
Q What name did he go by there? A George Melony.  
Q Did he live there? A Yes, sir.  
Q How far did you live from him? A Well, about the space of this building I reckon, might have been a little over.  
Q Was there a fence between your house and his? A No, sir, there was a vacant lot.  
Q Some vacant lots of about this distance? A Yes, sir, might have been a little larger, and might not have been as much, but that is as near as I recollect.  
Q It was a short distance of vacant space between your house and his? A Yes, sir.  
Q He was living there when you was first married? A Yes, sir.  
Q And you were living there when you was first married, is that right? A Yes, sir.  
Q Did you ever know anyone by that name? A No, sir.  
Q Did you ever know anyone by that name? A Yes, sir.  
Q Did you ever know anyone by that name? A Yes, sir.  
Q Did you ever know anyone by that name? A Yes, sir.

Mr. Hastings: We might have some other witnesses on the stand, but not on this point. We might call Mr. Bowers and Buner.

Commissioner: You two will go outside.

Questions by Mr. Hastings: Did you know his family well? A Yes, sir.

Q How long did you know the applicant George W. Vann, or George McKamy, there in Argenta, up until about when? A Well, as near as I can come at it, about two or three years, might have been three or four years, before I married, and I was married in 1879.

Q And you knew him from the time you first remember up until a short time before you were married? A Yes, sir.

Q Did he live there at that same place all this time? A Yes, sir, lived there till he left there.

Q Lived there till he left there? A Yes, sir.

Q Were you intimately acquainted with the family? A Yes, sir.

Q What did the applicant, Mr. Vann or Mr. McKamy, do down there in Little Rock? A What, you mean his occupation?

Q Yes, what was his occupation? A He was a Justice of the Peace, that is what they called it, I don't know what sort of office it is.

Q He held that office? A Yes, sir.

Q About how many years, Mrs. Green, do you think you can be certain in saying you knew him? A Maybe about 25 years, or 26.

Q About, I mean up until the time he left? A I don't know, I don't recollect how long it was.

Q You mean now that you have known him for 25 or 26 years? A Yes, sir.

Q I mean that you knew him in Arkansas; did you know him as much as ten years? A No, sir, I don't think I knew him that long.

Q About how many years do you think you could be safe in saying you knew him? A You mean before I left there?

Q Before he left? A About ten years, yes I guess it was that long, maybe longer.

Q And he lived you say, right near you in Argenta? A Yes, sir.

Q You are certain this is the man? A Yes, sir, I know him.

Q You have talked with him since you have moved to this country.

A Yes, sir.

Q What name did you address him by then? A Mr. McKamy.

Q Did he acknowledge that that was his name? A No, sir, he denied his name.

Q Said that wasn't his name? A Yes, sir.

Q You know that is the same man here? A Yes, sir, that is the same man.

Q No doubt about that? A No, sir, that is the same man.

Q Did you know his children out there in Argenta? A Yes, sir.

Q What was his oldest child named? A I think his oldest child was named Hewt, a boy.

Q Did he have another one? A Yes, sir, Jim.

Q Did he have another one? A Mary Jane.

Q That a girl? A Yes, sir.

Q Did he have any more children? A Yes, sir, he had one named Allie.

Q Did he have any more? A One named Wash.

Q You grew up with these children? A Yes, sir, went to school with them.

Q You knew this old man intimately? A Yes, sir, of course I knew him, he has whipped me lots of times.

Q And you have met him here and talked to him since you have been in this country? A Yes, sir.

Q You have known him since you have been here, have you? A Yes, sir.

Q I believe you say that he lived there until some two or three years, to the best of your knowledge, before you were married, and you were married in 1879? A Yes, sir.

Q You say that man as far back as you can remember was living there on the adjoining place near you in town? A Yes, sir.

Q Is there a man by the name of Caldwell down at Fort Smith?

A Yes, sir, Walker Caldwell.

George W. Vann - 8.

- Q Did he know Vann? A Yes, sir.
- Q Is he a colored man or a white man? A He is a white man.
- Q Did he live there at the same time these people lived there?
- A Yes, sir.
- Q Did he live at Argenta I mean at the same time? A Yes, sir.
- Q This man is now in the drug business at Fort Smith? A Yes, sir.
- Q He will know and remember then about Vann too, will he? A Yes, sir.
- Q And your mother lives at the same place back there? A Yes, sir,  
at the same place.
- Mr. Faulds: You say you are about 36 years of age? A Yes, sir,  
as near as I can recollect, I don't know my age exactly.
- Q Do you remember the war? A No, sir.
- Q How long have you lived in this country? A Nine years.
- Q What part of this nation have you been living in during the  
last nine years? A Lived at Braggs about 8 years and lived in  
Sequoyah three years.
- Q Where did you live before that? A Fort Smith.
- Q When did you go to Fort Smith to live? A About 1897 I believe;  
'87 I believe that is when it was, I don't recollect.
- Q You went to live in Fort Smith in 1887? A Yes, sir, I think so.
- Q And how long did you live there? A I don't recollect, it  
has been 14 years from the time I came to Fort Smith till I moved  
here to Braggs; I never kept count of the years.
- Q Where did you live before the time you lived in Fort Smith?
- A Lived in Argenta.
- Q When did you leave Argenta? A I think it was '86 when I  
left Argenta, I think it was.
- Q Did you live in Argenta from the time you were born until  
1886? A From the time I can recollect till 1886, yes, sir.
- Q You say you were married in 1879? A Yes, sir.
- Q Where did you go to then? A Stayed there.
- Q Stayed in Argenta? A Yes, sir.
- Q Do you know where you were in 1885? A In 1885 I guess I was  
in Argenta; in 1885 I guess I was in the Nation.
- Q What year is this? A This is 1901; in 1885 I was at Braggs;  
it was 1886, the payment, wasn't it.
- Commissioner: Do you mean 1885 or 1895? A -I am speaking about the  
payment, I believe I lived at Braggs.
- Mr. Faulds: I asked you where you were living in 1885? A How  
long has that been?
- Q Never mind; where were you living in 1885? ex You seem to  
know dates pretty well? A In 1885 I was in Argenta, must have been.
- Q Was George W. Vann there then? A In Argenta, no, sir.
- Q Was he there in 1882? A Not as I know of.
- Q Was he there in 1886? A I don't know, I don't recollect what  
year it was he left there.
- Q Was he there in 1870? A I don't think he was there because he  
had left there.
- Q He had left there before 1870? A Yes, sir.
- Q Never came back again? A He came back for his family.
- Q Just came back for his family? A Yes, sir.
- Q And took them away? A No, sir, I don't think he taken his  
family with him, he came away and left his family and they gone away  
soon afterwards.
- Q And that was before 1870 wasn't it? A I don't know just  
what year he left there, I can't say what year he left there, because  
I don't recollect what year it was.
- Q You don't recollect when he left there? A No, sir, I don't know  
when he left there, because he ran off.
- Q You don't know when he came there? A No, sir, I never said I  
knew when he came there.
- Q He might have left there in 1868 for all you know? A He was  
there when I knew him.
- Q You can't say he was there in 1870? A I tell you I didn't keep  
account of it.
- Q You can't say he was there in 1875, can you? A He was there

before I married.

A Can you say George W. Vann was living in Argenta in 1872? A I don't recollect, but I can point you the people can tell you what year he left there.

Q I am not asking you about what other people say? A I know the year I married he was gone from there a good while before I married, I never kept no account of it because I was a child and they didn't allow me to meddle with old people's business.

Q You think you were married in 1879, do you? A Yes, sir.

Q How old were you when you were married? A I guess I was about 14 years old, they say.

Q You say that this George W. Vann that you knew over there was a Justice of the Peace? A I didn't know any Vann over there.

Q This man McKamy that you knew over there? A That is what he was, Justice of the Peace.

Q And he officiated there as a Justice of the Peace, acted as a Justice of the Peace? A Yes, sir.

Q Tried cases? A Yes, sir, tried cases.

Q Were you ever tried before him? A No, sir.

Q Any of your kin people? A No, sir.

Q Where did he have his office? A Down on the river, near the Fort Smith bridge, the Fort Smith and Little Rock bridge is now.

Q Were you ever in this Court that he held as a Justice of the Peace? A No, sir.

Q Never were there? A No, sir.

Q How long did he hold that position as Justice of the Peace?

A I don't recollect how long he held it, I don't know.

Q Two months? A I don't know.

Q During all the time that he was there he held this position of Justice of the Peace? A I don't know whether he held that office all of the time he was there or not.

Q Do you know whether he was a constable there or not? A He had a constable named George Akins.

Q But he wasn't a constable? A No, sir, he tried people, his constable arrested them.

Q And he went from there a long, long time before you got married?

A I don't know how long.

Q So long that you can't remember? A I don't know how long it was, it was a good while, I recollect when he left, but I don't know what year it was.

Q It was a long while before you got married that he left there?

A I don't know, two or three or three or four years.

Q Or ten years? A I don't know, I am not going to say it was ten years because I don't know.

Q And you don't know how long he lived there and acted as Justice of the Peace? A No, sir.

Q Have no idea? A No, sir.

Q Do you know what day of the month the 4th of July falls on?

A What day of the month?

Q Yes. A It falls on the 4th.

Q Do you know what day of the month Christmas is on? A The 25th.

Mr. J.S. Davenport, attorney for Cherokee Nation: I think, if the Commission please, we should confine ourselves to the facts in this case, and I object to that manner of the testimony.

Commissioner: It is quite apparent that the witness remembers events not exactly by the almanac, but she remembers certain leading events and her method is, so long after certain leading events, and she is quite an intelligent witness in her way, but this is a method you are inquiring about that she evidently does not pursue in her system of recollection; that is not the method that she has shown here at all.

Q Is your husband still living? A The one I married in 1879, he is dead.

Q You have been married since that? A Yes, sir.  
 Q When were you married the second time? A In 1887.  
 Q Where were you married? A Fort Smith.  
 Q How long had you lived there before you were married this second time? A I had just moved there, came here and married.  
 Q What makes you think you are 36 years of age; is your name in the family bible? A No, sir, I said as near as I can come at it; I don't know my age exactly.  
 Q You don't know your age; that is what your mother told you I suppose? Did you say how old you were when you first married? A I think I was 14 years old, going on 14.  
 Q Now what were you doing the first time you ever saw this man McKamy? A What was I doing?  
 Q Yes. A Playing around the yard I guess.  
 Q Just a little bit of a tot? A Yes, sir, it was the first of my recollections about him; he knew me before I knew myself, but the first of my recollection I used to play with his children and go to his house and we children would get to fighting and he would whip us; I am not recollecting him from his whipping.  
 Q Sometimes he would take you on his knee? A Yes, sir, lots of times, he took me across his lap and gave me a good whipping.  
 Q You parted there pretty good friends, didn't you? A Yes, sir, I am not any enemy to him now; I have got nothing against him.  
 Q Along about the time he left there he was in the habit of whipping you and putting you on his knee? A No, sir, he didn't play with me then.  
 Q That is all that he ever did there in Fort Smith, was to act as Justice of the Peace? A To my knowledge, that is all.  
 Q As long as you knew him there you understood that is what he did, acting as Justice of the Peace? A Yes, sir.  
 Q I mean Argenta, as long as you knew him there he was filling this position? A Yes, sir.  
 Q You don't know how long he filled that position? A No, sir, I don't.  
 Mr. Hastings: I believe you stated that you came up to Fort Smith in about the year 1887? A Yes, sir.  
 Q You were married in about 1879? A Yes, sir.  
 Q Those are dates that you remember? A Yes, sir.  
 Q I believe you stated that you knew Mr. Vann from the time you can remember, within two or three years of your first marriage? A Yes, sir.  
 Q And that was in Argenta, Arkansas? A Yes, sir.  
 Mr. Faulds: You have already sworn that it was a long time before that first marriage that he left there and you saw him no more; are you going to take that back? A I didn't say I didn't see him, you didn't ask me did I see him, you asked me did I know him.  
 Mr. Hastings: Do you know his wife, Mary Jane's mother?  
 A Yes, sir.  
 Q What was her name? A Sallie.  
 Q Was she living down there? A Yes, sir.  
 Mr. Faulds: When did you first know this woman you have just spoken of? A Mary Jane Vann's mother?  
 Q Yes, when did you first know her? A Ever since I can recollect her.  
 Q When is the last time you saw her? A It has been about 17 years.

\*\*\*\*\*  
 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 30th of April, 1901.  
 Signed, T. B. Heddles,  
 Commissioner.  
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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I. T., April 29, 1901.

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

Joseph H. Bowers, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name? A Joseph H. Bowers.
- Q How old are you? A 62 years old.
- Q What is your postoffice? A Muldrow.
- Q In what district do you live? A Sequoyah.

Examined by W. W. Hastings, Cherokee Representative-

Q Mr. Bowers, how long have you lived in Sequoyah district? A Thirty-three years last March, 1867.

Q Where did you locate when you first came there in '67? A On the bank of the river a short time.

Q On the bank of the Arkansas River? A Yes sir.

Q How far from Fort Smith? A Just opposite, across the river.

Q Where have you lived ever since? A Right in -- well, I lived four miles above there in the bottoms for five years. I lived above the landing on the Cherokee side, and then I moved four miles above the river in the bottoms on the Cherokee side.

Q Well, since that time, have you lived in about that same place? A Yes, within twelve or thirteen miles of Fort Smith.

Q You have lived on the Cherokee side ever since? A Yes sir, Cherokee side ever since.

Q The first year after the war you lived nearer to Fort Smith than you live now? A Yes, sir.

Q You live farther from Fort Smith now than you ever lived? A Yes, sir.

Q What did you do the first years after the war? A '65 was the first after the war.

Q The first year after the war in the Cherokee Nation? A I farmed, and then there was a posse of deputy marshals and I was a deputy marshal in '65 and '66.

Q You kept a kind of boarding house or stage stand? A That was nine miles house from Fort Smith on Fort Gibson and Fort Smith wagon road.

Q You were pretty well acquainted with the people around in that country? A Yes, sir.

Q Well acquainted with them yet? A Yes, sir.

Q I believe you are postmaster at Muldrow? A Yes, sir; at Camp Creek eleven years.

Q How far is that from Fort Smith? A Nine miles west on the Cherokee side, on the wagon road to Fort Gibson and Muskogee, and I was postmaster at Muldrow under Harrison administration and under McKinley's administration four years.

Q You know this applicant, George W. Vann? A Yes, sir.

Q Now, Mr. Bowers, how long have you known him? A About the first time I met him at the river opposite Fort Smith in '77 or '78; I don't remember what year; about that time.

Q Did you ever see or hear of him before that time? A No, sir, I heard of her in the time of the Compton and Baxton campaign; that wasn't his name; they called him Reverend some one who made a speech at Fort Smith; I heard of him; that was the first time I saw him.

Q You hadn't seen him around in that section of the country? A No, sir.

Q Where had you heard of him being before that? A I heard he come from Little Rock up there.

Q You never heard of his being over in the nation prior to that time? A No sir, I never heard of that.

Q You never saw him over there prior to that time? A No, sir, I knew every man in the country at that time, thirty years ago, 35 years ago, white men and black men and Indian.



Q You think you would be safe in sayin' he wasn't there? A If he had been there prior to '77 or '8, I certainly would have got acquainted with him.

Q Was the country poorly settled at that time? A No, sir, there wasn't a dozen white men in that part of the country thirty years ago and very few people, and there were but few colored people there and they were Cherokee Freedmen, every one of them.

Q Were you present when Mr. Vann made his application before the Clifton Commission, five years ago? A Yes, sir.

Q Do you remember whether he admitted that his name was George W. McKamy under oath or not? A He said his name was George W. Vann.

Q When he was asked the question whether he even went by the name of George W. McKamy, did he admit or deny it? A He said that wasn't his name.

Q Do you remember whether he was asked at that time whether he ever lived in Little Rock or Argenta? A No, I don't remember.

Q Do you remember whether he was asked if he was ever in Chattanooga, Tennessee? A I remember that.

Q Did he admit or deny it? A I don't know what answer he made; I know he was asked that.

Examination by J. F. Faulds, Attorney for Applicant:

Q You know whether or not George W. Vann was a Constable at Argenta, and that his name was George W. McKamy? A I don't know anything about that.

Q Now, you say that you lived in Fort Smith right after the war? A Yes, sir, I worked for the government there in '66 and part of '67.

Q And you lived there up until when? A Until '67; March, '67.

Q That was the first time you ever lived in Fort Smith? A I was there in the war time as a soldier.

Q And then '67, where did you go? A To the Cherokee Nation.

Q By the Arkansas River? A Right opposite Fort Smith.

Q And you have lived there how long? A Ever since.

Q What are you doing down there? A Farming most of the time.

Q Are you a citizen of the Cherokee Nation? A I was for a number of years and then I married a white woman. I claim citizenship yet.

Q But you were a citizen for a long time by adoption? A Yes, sir.

Q You say you knew every man down in that country? A I did 25 years ago.

Q Well, suppose a man worked down there for three or four months and then go off and work around Fort Gibson or Choctaw Nation or some time, are you sure that you would know, you would be aware of that fact that he had worked there three or four months; or a few weeks? A There didn't many people come there to work; I think I would have known it.

Q Then you undertake to say that every man that came there to work three or four months, you would have known him? A I think I would have known him.

Q Give me the names of some of them? A I couldn't give you no names; I don't know of any one coming down there. A colored man from the states wouldn't come over there. They were afraid to come there, it was too rough, too much trouble.

Q How long did it continue that way? A From '72 to '74, '5 or '6.

Q Well, you are speaking up until when, before when, up to when? A From '67 up to '75.

Q Then you undertake to swear here that you knew every man that lived in that country and knew every man that worked in that country? A Come pretty near knowing.

Q Whenever there was a stranger come in that country they knew him in a few days? A There were very few there at that time; there wasn't twenty white people in that country.

A If they come within ten miles of you and worked two weeks then you would have known him? A I couldn't say, yes; two weeks.

Q Well, a month? A I think so.

Q Would you keep track of them by putting their names on a book? A I would just remember; we had public workings at that time;

people were poor, and there were horse racing, and people would congregate there.

Q Way back thirty years ago, you can remember every man that lived there; the name of every man that lived there and worked there? A Yes sir, in that part of the country.

Q About for forty miles? A I would say that; I knew every white man in Sequoyah district, Cherokees and what few white people that lived there.

Q There weren't any poor niggers lived there? A I know every one within fifteen or twenty miles in that district. I knew all the colored people in that district.

Q Did you know all the little nigger children five or six years old? A No sir.

Q How old did they have to be? A Just the grown people.

Q How many years have you known George W. Vann? A I don't remember the year, between '77 and '78 the first time; I don't know what year it was. I met him out on the lading.

Q Have you never seen him before that? A No sir, never seen him before.

Q Do you know of him buying any farms down there in 1879 or 1880?

A I don't know; he settled down there in the bottom three or four miles from the lading. He settled there; I don't know whether he bought any. I was back in there once with a sheriff two or three time where he lived.

Q Did you say you were a deputy marshal at Fort Smith? A I was deupth marshal of the United States Court.

Q How long? A Five or six years.

Q When was that? A I was one of the posse in '68 and '9 under a man named Messler, and then I got a commission in '69 or '70; I had a commission until '75, I think it was, under the different marshals there. I had a special commission in 1868 from White; that was the first commission I had.

Q Now, do you know anything about a farm that went by the name of the Sheppard farm that Bann bought in sixty some time? A I know the Sheppard farm; I don't know that he bought it.

Q Will you swear that he didn't buy it? A It wasn't owned by anybody but the Sheppards then. I think it was owned by some of the Bells; I know the Sheppard place.

Q You don't know about the fact that he bought that place in sixty some time? A I don't know. I was within a mile of the Sheppard's place. I never heard of him owning that place; he lived three or four miles in the bottom.

Q You are living at Muldrow now, are you? A Yes, sir.

Q You know who owns that Sheppard farm now? A I believe it belongs to Payne Brothers, I think it does; I am not certain.

Q Who did they buy it from? A I don't know.

Q Don't you know they bought it from George W. Vann? A No, sir, I don't know that; they bought a place further back before that they bought from him; I know they got one place from him; they bought it back from Sheppard.

Q I understand that you swear that at that time for years and years you knew every nigger in that country down there? A In that bottom I did.

Q No matter whether he only stayed a month or two? A There wasn't any stray darlies come over; they were afraid, you couldn't hire them to come over; you couldn't hire a white man to come over there.

Q They were afraid of you? A No sir.

Q Did you ever kill any of them? A No, sir.

Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Joseph Bruner.

Q How old are you? A I am going on 65.

Q What is your post office? A Benga.

Q In what district do you live? A Sequoyah.

Examined by W. W. Hastings, Cherokee Representative--  
Q Mr. Bruner, when you were first old enough to remember where did you reside? A In Canadiana district.

- Q With whom did you live then? A Joe Vann. And his wife Jennie.
- Q Joe Vann? A Yes, sir.
- Q Is he the same Joe Vann that was known as Rich Joe Vann? A Yes, sir.
- Q The one that was blown up on the steamboat? A Yes, sir, blown up on the steamboat.
- Q Did he have a son named Jim Vann? A Yes, sir, the oldest child.
- Q Did you know the family well? A Yes, sir, all of them.
- Q Name some of the rest of Joe Vanns children? A John, Mary, Webster, Jane, and Dee and Henry was one woman's children; that was Jennie's children.
- Q Did you know Jim Vann well? A Yes, sir.
- Q Did he have a wife? A Yes, sir.
- Q What was her name? A Armintha Ross.
- Q Did they have children? A Yes, sir.
- Q What was their names? A Fanny Vann.
- Q Who did she marry? A Florein Nash.
- Q This merchant here in town? A Yes sir.
- Q You know the family well? A Yes sir.
- Q Did you know the colored people that belonged to the Vann family? A Yes, sir; that is I knew they went off the place the time the slaves were divided, and I knew three that was turned over to them, a man and his wife and a nurse girl of Ross.
- Q Did old Joe Vann have a slave by the name of George Vann? A Yes sir, he had one by the name of George.
- ~~Q Now, did he have more than one by the name of George? A Not~~
- ~~no more than one.~~
- Q Now, I believe you say you knew Joe Vann when he died? A I did.
- Q To whom did this slave George descend? A Delilah Vann when the slaves were divided; she drew him.
- Q Do you know what Delilah Vann's name is now? A She married Perry Brewer.
- Q She is alive now in Canadian District? A Yes, sir.
- Q Did Jim Vann have a slave by the name of George Vann after his father's death? A Not that I ever knew or seen of.
- Q Now, what became of this George Vann that once belonged to old Joe Vann and descended to Delilah Vann now Brewer? A He got drowed at Fort Scott; I pulled him out of the river with a hook; I was the first man that put his hand on him; he is buried on the side of the Marmatau River.
- Q Where was that? A Near Fort Scott. That was along in the spring of '63, if I am not mistaken.
- Q During the war? A Yes, sir, during the war. He had been to see his wife, Malinda Whitmire; she lived on Mill Creek.
- Q You knew his wife? A Yes, sir.
- Q Did this George Vann have a brother named Daniel Vann? A Yes, sir, and one child named Jim.
- Q Did you know Ben Johnson that used to live near Fort Smith? A I knew him.
- Q Did you know his children? A Yes sir.
- Q Did you know h's slaves? A I knew all the young boys and one man they called Mose and a woman they called Dennis Bean's mother now.
- Q Do you remember her name? A Elsie.
- Q Was she one of Ben Johnson's slaves? A Yes, sir.
- Q Is she alive? A Yes, sir.
- Q Where does she live? A On the edge of the prairie in Sequoyah.
- Q Do you know this applicant who goes by the name of George Vann? A Yes, sir.
- Q How long have you known him? A Right at fifteen years; maybe a little over.
- Q Did you know him before the war? A No sir.
- Q Did he at the time of Joe Vann's death belong to him? A No, sir.
- Q Did he belong to Jim Vann before the war? A No sir.
- Q Was he in the custody or working for Ben Johnson before —? A I never saw him on Ben Johnson's place.

Q You knew Jim Vann's colored people? A No, sir, he didn't belong to Jim Vann; I knew them.

Q You know whether or not Jim Vann ever lived in Fort Gibson here before the war? A No sir, he never lived here.

Q Where did he live? A Webbers Falls and Park Hill in Canadian District.

Q Webbers Falls is below here? A Yes sir.

Q And Park Hill near Tahlequah? A Yes sir.

Examined by J. F. Faulds, Attorney for Applicant:

Q You say you knew old Joe Vann who was blown up on the steamboat?

A Yes, sir, that was my master from Tennessee.

Q He was a rich man, was he? A Yes, sir, so called.

Q He had from two to four hundred slaves? A No sir, never was asserted that way.

Q Can you tell me exactly how many slaves he had? A No, sir, not ~~exactly~~ exactly.

Q Can you swear positively that he didn't have two hundred slaves at least? A Yes sir, and only the truth.

Q Did you count them? A No, sir, I never counted them.

Q How do you know? A I knew the families of the old folks.

Q Well, he had over one hundred slaves? A Yes, he had over a hundred.

Q And maybe two hundred? A No, sir, I wont say two hundred.

Q You can't swear he didn't have two hundred? A He didn't have two hundred.

Q Did he have 175? A He never had in the neighborhood of 175, back this side of it.

Q Can you swear he didn't have 175? A I knew the families.

Q I didn't ask you that, didn't Joe Vann own 175? A He might have had; he had two places. I would rather think he didn't have them

Q But you will safely say he had 125 or 150? A I would safely say 150 or a great deal smaller.

Q And he had two places did he? A Yes sir.

Q How far were they apart? A Between three and two and a half miles apart.

Q Your name is Joe? A Yes sir.

Q Did he only have one man by the name of Joe, or did he have several Joes? A He had several Joes; I know them all.

Q Name them over? A One an African man was named Joe.

Q Joe what? A Joe Vann they might have called him; that is the slaves went by the master's name.

Q Go on? A And then he had a grandson by the name of Joe, Betty's son, and myself.

Q Just the three? A Yes, sir.

Q How many Johns did he have? A One John.

Q Just the one John? A Yes, sir, just one John.

Q Are you sure? A There was a John and a Johnson.

Q Only one John? A Yes, sir, only one John; his son John and a colored man John.

Q There were two? A One John as a slave.

Q How many Sams did he have? A Two Sams.

Q How many Henrys? A He had two Henrys with his son, his child.

Q Then he only had one Henry? A Yes, sir, that is all I ever saw.

Q How many Bills or Williams did he have? A He had one.

Q Just the one? You swear to that? A Of course I am swearing to that.

Q Now, you got three Joes, one John, two Sams, and one Henry and one Williams? A Yes sir.

Q That is eight? A Yes sir.

Q Give me the names of all the others he had? A I told you I could give the families; but as for the others, I could tell the families.

Q Can you give me the names of any others he owned? A Yes, sir.

Q How many can you give me? A I expect I can give you fifteen or twenty of the old folks.

Q Can't you give me any more than fifteen or twenty? A I can

give you the heads of the families.

Q Well, now, they had three Joes and only one George, you will swear to that? A Yes, sir.

Q Out of 150, he only had one George? A That is all the George he ever had on the place.

Q Are you sure of that? A That is all.

Q On both places? A He never had any George on Polly's place.

Q You knew Sheep George? A Never was there.

Q Wasn't he called Horse George? A He was a nice rider; they called him George.

Q Didn't you know Hog George? A He wasn't there; I never heard it.

Q Did you know Sheep John? A I never saw Sheep John; I knowed him, but he wasn't there.

Q How many Jims were there? A There was two Jims.

Q Were there any Dicks? A Yes, there was one Dick there.

Q Just the one? A That is all I know; that was a nickname.

Q And this George Vann that you knew was drowned? A He was drowned.

Q And you pulled him out? A Yes, sir.

Q Did you see him go in? A I didn't see him go in the river; I pulled him out. I was out at the Diamond Hotel working as a porter and they told me he was drowned.

Q And you buried him six feet under the ground? A I don't know; I never measured the distance; I know he is buried.

Q Now, your citizenship is disputed, isn't it? A That's what they said it was.

Q Your name is not on the 1880 roll? A No, sir.

Q But you claim it ought to have been? A That's what I come here for.

Q Well now, you were arrested down here at Fort Smith for peddling whiskey or having whiskey? A Of course, I was; I don't deny that.

Q On the bank of the river? A I wasn't arrested on the bank of the river.

Q Well, where? A If anybody knows where, let them say.

Q I have a right to ask you where? A On the Sandbar.

Q Who was with you? A By myself.

Q Wasn't there a George Vann with you when you were arrested? A No sir, George is dead and burned downthere at Fort Scott.

Q Well, you went on a scout didn't you, you went away after your arrest? A I stayed around, from the territory back and forward; I went to Kansas.

Q Stayed five or six years in Kansas? A No, sir, I didn't.

Q Wasn't that the reason they wouldn't enroll you? A No, sir, they enrolled me before - I was enrolled before Wallace; that was the first chance the people had to be enrolled by; Wallace enrolled me.

Q You broke jail at that time? A Yes sir, I got out of jail.

Q At Van Buren? A Yes, sir.

Q They never did get you again? A I come to the nation, they never did get me on the whiskey.

Q They let you go? A Yes, sir.

Q You were arrested again, weren't you? A Where at?

Q Not long ago? A Yes sir.

Q And you were charged with perjury? A Yes sir.

Q Tried before the Commissioner; the Commission had an investigation over it? A Yes sir, at Sallisaw.

Q And you were sent to Muskogee to await the action of the grand jury at Wagoner? A Yes sir, they turned me loose.

Q And the grand jury ignored the bill? A They turned me loose; I don't know what they done.

Q You swore you were a witness in the trial of Aleck Martin charged with murder? A Yes sir..

Q And you swore that Aleck Martin was at home the night of the murder? A Yes, sir.

Q And that was the reason they had you charged in the trial with perjury? A Yes sir.

Q And that is the reason they convicted you? A No sir, they didn't.

Q How is it your name is Joe Bruner and not Joe Vann? A Joe Bruner is my father and Joe Vann is not my father.

Q Is your name Joe Bright? A No, sir.

Q Did you ever by by that name? A I taken my father's name; he is a Creek darkey.

Examined by W. W. Hastings, Cherokee Representative:

Q I believe you say the grand jury discharged you on the perjury charge? A I never went before them; they came to the door and told me to go on home.

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

Signed, E. G. Rothenberger

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

Signed, C. R. Breckinridge,  
Commissioner.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 29, 1901.

In the matter of the application of George W. Vann for the enrollment of himself, et al. as Cherokee Freedmen;  
Joseph Bruner, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name please? A Joseph Bruner.
- Q You were examined this forenoon in the George W. Vann case?
- A Yes, sir.
- Q You stated that you had belonged to Joseph Vann, the one who is stated to have been blown up in a steamboat? A Yes sir.
- Q What's the Joseph Vann that was blown up in a steamboat on the Mississippi River? A They tell me it was Louisville, Kentucky.
- Q It was off east there some place? A Yes, sir.
- Q Then when that Joseph Vann died you belonged to a son of his?
- A No, sir, his family.
- Q He had a son named Jim? A Yes, sir, oldest child.
- Q And you were personally acquainted with all the slaves that lived on the plantation there, that belonged to Joseph Vann?
- A The old heads I was, and a good many of the children.
- Q But you knew all the grown up men and women that had families?
- A Yes sir.
- Q Now you testified this forenoon that the Joe Vann family did not own any slave named George except one who was drowned up here opposite Ft. Scott? A Yes, sir.
- Q But I believe the question wasn't asked you directly as to whether you knew this applicant here, who calls himself George Vann, did you know him by any other name? A Yes, sir.
- Q Did you know this man here, George Vann, who calls himself George Vann? A I know him now.
- Q But did you ever know him before the war? A I never knowed him before the war.
- Q You never knew him as being a slave of the Joe Vann family under any name? A Not any name, no name whatever.
- Q When did you first know him? A 15 years ago.
- Q That was the first knowledge you had of this individual under any name at all? A Yes, sir, I called his attention to me; I come out of Orfendorfer's store, and I says, parson, and he stopped and looked around; says I; your name is Parson Vann? He says, Yes. I says, what Vann did you belong to, and he says, I belonged to Joe Vann, that big Indian that owned the Lucy Walker steamboat. I says I am by the stock of Vann negroes and says I don't recollect you, and says that certainly I did, and turns around deliberately and walks away from me and I had no more questions.
- Examined by attorney for applicant, J. F. Faulds:
- Q Your understanding is that this steamboat was blown up at Louisville, Kentucky? A Yes, sir, that's what I always understood.
- Q Not on the upper Mississippi? A I don't know whether it was on the upper or where it was; I have never been there.
- Q That's your understanding, that it was Louisville, Kentucky?
- A Yes, sir.
- Q You fell to Jim Vann? A I never fell to Jim Vann.
- Q Then you never was a slave of Jim Vann? A I was of the family; he was a son of Joe Vann; I was in the family.
- Q When Joe Vann died were all the slaves divided up among his children? A Slaves were divided up, but it was four or five years after.
- Q Who were you given to? A Sallie Vann drew me.
- Q Where does she live? A There below Brigg's place, below the mouth of the Illinois. It was called the old Brigg's place.
- Q How far below the mouth? A It might have been a mile and a half
- Q That's where Sallie Vann lived? A With her mother.

Q She was your owner? A She was my owner.

Q How many slaves did she own? A She had me and old man Joe and his wife and Jesse and Sallie, Jeff, Lydia, and one that they called Angeline, for her part.

Q And you never did belong to Jim Vann? A I belonged to him before the estate was divided.

Q You were never his individual nigger? A I never was; only just with his father; I called him Marse Jim of course; he was Joe Vann's child and everything of that kind, but as for personally belonging to him I belonged just as much to one as the other.

Q Did Mayfield get some of these same negroes? A Mes sir, a good lot of them.

Q You know how many? A He got Patty and Lucinda with their four children, and there was John Harnage and him both got some of the darkies, and there was a Pat, Phillis' daughter, she went away.

Q Well, how long did Jim Vann live after there was a division of the slaves? A He lived intil the Rebellion here.

Q How long before that were the slaves divided? A Between four and five years after Joe Vann's decease the slaves were divided.

Q That was how many years before Jim Vann's decease the slaves were divided A (No reply).

Q When did Jim Vann die? A Died time of the war; he died in Kansas.

Q Have you got any idea now as to how many years it was before Jim Vann died that these slaves were divided, six or seven years?

A Longer than that.

Q Ten years? A Before he died?

Q Yes? A When the slaves was divided it was along in '46 or 7 maybe 8, along in there when the slaves was divided; I am pretty positive of that.

Q That would be about 15 years before the war began? Jim Vann died during the war, it must have been 16 or 17 years before Jim Vann died that the slaves were divided? A They were divided directly after them two high waters.

Q About how old were you then? A I might have been eight or nine years old when the slaves were divided.

Q It must have puzzled your brain to keep track of these negroes during all this time? A I was a little boy and had nothing to do, and Jim Vann was able to feed me and I had been knowing them all.

Q That's all you know, the little ones? A And the old ones.

Q You were only eight or nine years of age when the slaves were divided? A I might have been that age; might have been older.

Q You might have been six or seven? A I think I was about seven years old when the boat blew up I think I was older than that when the slaves were divided.

Q You told me awhile ago that the slaves were divided up about five years after Joe Vann died? A Well of course.

Q Well, if you were six or seven years old, that would make you about 12? A Well, I said I might have been; I was there all the time; went around with him in the horse lots and all those, - my mother was a cook with him and I certainly did know.

Q How old were you when Joe Vann came to this country? A When Joe Vann come to this country I come on the keel steamboat with him; my mother was his cook with him, and I come on the keel boat; I was walking when I come to this country.

Q Just able to walk? A I haven't got any great recollection about that, but I was walking.

Q Three or four years old? A I wouldbe ashamed of myself if it took me three or four years to walk.

Q You remember when you first walked? A No, I don't.

Q Didn't you come on the steamboat? A No, I didn't.

Q How did you come? A I come on Vann's boat, but it was a keel boat.

Q Well then, how many people were these slaves divided among in 1846? A I never counted them, how many there was; I never heard it asserted how many there was; I know how many children there



Q And all the names of the children? A Dave Vann and Sallie and William and Sophia and Johnson; them was Polly's children. Jim, Johnnie, Delila, Henry; them was Jennie's children that was living.

Q Nobody else got any slaves except those you have mentioned?

A Yes, sir, negro traders come and bought some.

Q I am not talking about the slaves he sold, but the slaves that were divided among Joe Vann's heirs? A Their mother's drew.

Q Whose mothers? A Them children's mothers.

Q I say you have mentioned all of them that got a share of the slaves? A Yes, sir.

Q And you have kept track ever, since 1846 of all the slaves that every one of these heirs drew? A I never kept no track of it, but I know.

Q Well, you must have kept track of it if you know? A I can recollect what children drew darkies on the place; I was living.

Q 125 or 150 of them? A Jim Vann himself got considerable of money and of them darkies before the estate was divided, and when the estate was divided he was in California, and he drew a child's part.

Q Jim Vann was pretty much in debt? A Jim Vann was, so they said, but Jim wasn't.

Q Didn't Jim drink? A Yes sir.

Q He was always pretty hard up? A I don't know that.

Q Didn't he ever hire his negroes out? A None that I know of; when he got hold of them he carried them off and sold them.

Q He didn't hire anyone? A Not that I know of.

Q You would know? A Of course I would; he never hired none at all.

Q And none of the other children hired them out? A Not before they was divided.

Q Well, after they was divided? A I never kept track of them, I was off with Sallie after she married Vough; she stayed at her mother's until she married Vough.

Q You just kept track of Jim Vann's slaves? A I knew what Jim had when I left the family.

Q Why don't you know what the others had? A They had their slaves.

Q Why is it you know how many Jim Vann had, if you don't know how many Jim Vann had? A I tell you I know how many they had, just like I know what my mistress had me at the time.

Q You know how they were divided, what this one got and what that one got; you have remembered it ever since? A I was in the country and saw the whole thing; I know who divided them.

Q How many of these slaves can you name over now of all these slaves, 125, 150 or maybe 200? A I can name over a good many of them.

Objection by Cherokee Representative, James S. Davenport, on ground that all this has been gone over.

Q Where were all the slaves when the boat was blown up? A Every one was on the place except 10 or 11, that were with Joe Vann.

Q And they were blown up? A They were blown up on the boat with Joe Vann; there were not any of them hired out.

Q Where was his race horses then? A They were there on the place, what were not dead.

Q Well now, you were a slave yourself, and you ought to know what was usually done in those days; wasn't it a thing of frequent occurrence for an owner to hire out his slaves? Wasn't it customary there for them to hire out their slaves? A I don't know what it was with the other people, but it wasn't with Joe Vann.

Q You don't know anything about any other people but Joe Vann?

A I know other people.

Q How much are you getting to testify to-day.

Attorneys for the Cherokee Nation object to the question.

Com's Breckinridge, to Cherokee Representative, V.V.

Hastings: Mr. Hastings, state what fees you are giving here every day? Hastings: Two dollars a day and mileage. That two dollars a day is discounted.

Examination of witness continued by attorney J.F. Faulds:  
Q You are getting two dollars a day here as a witness, and your expenses - and your mileage: you get mileage there and back and two dollars a day, that's it? A I suppose so: it has never been told me.

HARTWELL H. HOUSTON, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Hartwell H. Houston.  
Q How old are you? A I am 67 years old.  
Q What is your postoffice? A Fort Smith, Arkansas.  
Q Do you live in Ft. Smith? Or in the Cherokee Nation? A I live in the Cherokee Nation half of the time or over half of the time, but I am an old soldier and I have to be somewhere where I can work at my trade, and I stay there while I am on business, backwards and forwards.  
Q How long since you first came to the Cherokee Nation? A I came to the Cherokee Nation about 1860.  
Q How long did you stay in the Cherokee Nation at that time? A I ~~stayed~~ stayed here about six months I reckon.  
Q And then when did you return to the Cherokee Nation again? A I didn't come to it no more then until about '66.

Q And how long did you stay in the Cherokee Nation then? A I stayed one place and another over a year.  
Q And then when did you come back to the Cherokee Nation again? A I come back again in about '78; I was here between that and that, but I didn't stay long: I was here two or three times during that, but you are asking for the time I stayed any length of time: I just passed in and noticed my property and passed out, and about '76 I built here, that is I left money here then to build and clear up.

Examined by applicant's attorney, J. F. Faulds:  
Q Where has your home been, your effects since 1866? A They were here: that is of course I had some of my wearing clothing away, and pretty well all of them, but I had some stock and I kept it here: I didn't have much more than wearing clothing outside of stock.

Q Do you know George W. Vann, this man here, the applicant?  
A I guess I do.  
Q When did you first know him? A I have known him about 50 odd year: his mother and my mother was sisters.  
Q You are his cousin? A Yes, sir.  
Q Well now where did you first know him? A I first knew him in Tennessee.

Q When did you first know him here in the Indian Territory? A I knew him in 1866 I think it was I knew him here: well I think when I was here in '60 I saw him, but I don't remember exactly where he was: whether he was sitting down doing anything or not, but he was loafing around, and I think he was on the boat sometimes: I guess I just merely saw him and didn't have much time to fool with him.

Q You know whether or not he was a slave, and if so, who owned him?  
A If I understand it he was no slave; my learning about it so far as my knowledge got, he was kind of under a mortgage or something of that sort, guardian, - it was nearly like slavery in slave time, because I was pretty much in that fix myself.

Q Who mortgaged him? A I don't know.  
Q Was it said that anybody had mortgaged him or was his guardian?  
A It was somebody before that, I can't recollect the name I don't know: I heard it was from old Joe Vann or somebody he had mortgaged him off, put him under that man for money or something of that sort.

Q When was that talk made? A That was made to me in '80 when I was here.  
Q Did you ever hear his name mentioned in connection with Jim Vann, son of Joe Vann, at that time, in '80? A Yes, sir.  
Q What was it? A Jim Vann was the one he was under, and he was

often with - I heard he hired his time, and he would run on the boats too.

Q You heard that at that time, in '60? A Yes sir, along then I heard it. That was when I failed to see him only just a very few times.

Q What part of the Cherokee Nation did you see him in here? A Down here near Ft. Smith in Sequoyah district..

Q Then it was your understanding and the general talk at that time that he was under contract of Jim Vann? A Yes, sir, that's a fact, the way I heard it.

Examined by Cherokee Representative, James S. Davenport:

Q Who did you hear say he was under contract of Jim Vann in 1860? A Well I heard him say so.

Q Then what made you say a while ago you didn't know much about where he was in '60? A I didn't; and tell you I don't know that yet: I said I didn't see him much that time; that's what I said.

Q When was it you heard him say he was under the control of Jim Vann in '60? A I heard him say it in '66.

Q Where were you when the war broke out? A I was in the Tennessee when the fight was in July.

Q In '61, when the war began? A I was in Tennessee.

Q Were you living there at that time? A I didn't live nowhere much.

Q And you were ever in Tennessee? A Yes, sir.

Q Had been there for sometime when the war broke out? A I went from here in '60.

Q And you had never lived here but a few days? A No, sir.

Q Just been over here prospecting around? A No sir.

Q Where were you when the war closed? A I was in Nashville, Tennessee, because I was mustered out in January; I was residing in Nashville in January, 1866.

Q Where were you when you enlisted in the army? A Murphrysboro, Tennessee.

Q And you mustered out at Nashville? A Yes, sir.

Q And you then came to the Cherokee Nation? A I did.

Q What year did you come to the Cherokee Nation? A Fall of '66.

Q You have been living here? A No sir, I have been backwards and forwards.

Q You are not a freedman? A I was free myself.

Q Was you free before the war? A Yes, sir.

Q And was living in the State of Tennessee? A Yes sir.

Q You are a cousin of George Vann's? A That's what's told me.

Q You know where George Vann was living when the war closed?

A He was living here in the nation.

Q Do you know that of your own knowledge? A Yes, sir, I know it.

Q You were in Tennessee when you were mustered out, how do you know that? A I come right here.

Q You were mustered out in '65, and came here then? A No sir, I was mustered out in '66.

Q You were mustered out in '65, and came here then? A No sir, I was mustered out in '66.

Q What place was George living on when you came? A This side of Ft. Smith, about a mile and a half from the bridge.

Q George has lived there ever since? A No, sir, he has moved farther up this way.

Q Well has he lived continuously in Sequoyah district to your knowledge since '66? A Yes sir, to my knowledge; he has been out at times.

Q How long has he been out at a time? A I don't know that he has been out any time but once to my knowledge, he has been out about a year.

Q You don't know where he was? A No sir.

Q You don't know what year that war? A No, I donot.

Q You know when George came back to the Nation? A Well I can't

tell you; I can not tell you unless I tell you what I heard.

Q I ask you what you know? A I don't know.

Q You know whether he ever lived in the state of Tennessee near Chattanooga or not? A Yes sir, I am satisfied he lived there.

Examined by attorney, J. F. Paulds:

Q When was it he lived there? A When I was a little fellow.

Q That was long before the war? A Yes, sir.

Q How old are you? A I am 67 years old and the 23rd day of this coming June; I was born the 23rd day of June, 1834, it's put on the books.

Q You know when you first joined the army? A Yes sir.

Q You know what year it was? A Yes sir, it was in '63, the 11th day or 10th day of September, '63, immediately after Rosecrans left Murphrysboro to go south after General Bragg.

Q Where did you live before that? A In Tennessee.

Q Where did you live before that; you know where you lived in '61? A I tell you I was out here in '60, and I was back in '60.

Q Come out to the Indian Nation? A Yes sir, I want here I don't think any over a year anyway, and then I went back and then when I come again that was in '60, and then I didn't come back, as I tell you, only just passed in and out between that and '66.

Q What did you come here for in '60? A Because my mother told me I had a right in the Cherokee Nation, and I know my grandfather John Brown was her father, and she always did tell me I had rights here.

Q You were here in the Cherokee Nation in '60 and '61? A In '60 well it may have been part of '61.

Q You stayed you said here a year? A Well, a year.

Q Then you were here in '61? It may have been about the first of '61 when I went back; it was the first of '60 when I come, and I stayed here a year or a little over, and then went back and passed back again before '63, when I enlisted and then I was in the war and never got here no more till '66.

Q It was '63 you went into the army? A Yes, sir.

Q Your mother was living in the Cherokee Nation at that time? A No sir.

Q Oh in Tennessee? A Yes, sir, in Tennessee; she had told me that if you search the rolls of '55 I think, along in September, sometime in '55, you will find Brown had slaves, and he had six half-breed Cherokees and they were free.

Q You are a free negro? A I am a free negro and Indian together.

Examined by Cherokee Representative, James S. Davenport:

Q Now when you came here in '60 you came here to set up and claim a right in the Cherokee Nation? A Yes sir.

Q What right did you set up to claim in '60; what did you claim as: as a Freedman or a Cherokee by blood? A Well I didn't claim either one, for I didn't know anything about any such thing as that; I come because I was kin to the Indians and they told me I had a right and I come to take up land; I heard they used the land in common and I thought I could take up a place where nobody was claiming and live there.

Q Didn't you know what you claimed, what right, whether as a Cherokee by blood or a Freedman? A No sir, I did not know; I did not know what way I had to claim it.

Q As a matter of fact you never came here in '60 to claim a right?

A Yes sir, I did.

Q Then you must know what right you had to claim when you came?

A No sir, I didn't know.

Q As a matter of fact you came here to claim as a white man didn't you? A No, I didn't; I know exactly what I was; I come to claim the land, that was my claim.

Q You were going to claim it whether you were a citizen by blood or a Freedman? A You want to find out what I claimed to be, Cherokee by blood or Freedman; well I knowed I was part negro and part Indian, according to what I had been taught; of course I didn't know only what

people taught me, and knowing that they said I had a right, well I come to take that land and stay on it, until they see fit or I see fit to move to some other place, like the Indians done: of course, as I tell you, I learned I was part negro and part Indian.

Q You came to claim as a Cherokee by blood or Freedman, you didn't care which? A As I tell you, I was claiming negro and Cherokee.

Q They told you you could get land in the Cherokee Nation claiming as a Freedman or Indian? A Yes, sir.

Examined by attorney, J. F. Paulds:

Q When were you told that? You say somebody told you? A I didn't tell you somebody told me; my mother told me; she knowed how they did.

Witness returned, after being excused:

Witness: I wish to correct any mistake I made.

Com'r Breckinridge: Q You want to state just what you were in '60, is that the point? A Yes, sir.

Q You were free in '60? A Yes, sir.

Q And you were free before '60? A Yes sir.

Q And you never were a slave? A No sir.

Examined by Cherokee Representative, James S. Davenport:

Q What was your post-office in '60, in Tennessee? A I had no post-office, I didn't write any; I didn't have no writing to do.

Q By whom were you freed before the war; were your parents ever slaves? A They never was; neither one of them.

Q What place in Tennessee did your parents live? A They lived around Chattanooga.

Q Was their post-office at Chattanooga? A I do not know; I suppose it was; if they had any writing to do that it would have been; they didn't know any writing.

Examined by Commissioner Breckinridge:

Q Chattanooga was your nearest town? A Yes-sir.

Examined by Cherokee Representative, James S. Davenport:

Q In what way did you travel when you came to the Cherokee Nation in 1860? A I traveled on my feet and on a boat.



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 April 30, 1901.

Signed, T. B. Needles,  
Commissioner.



Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true copy from the original.

*Sworn to and subscribed before me May 18, 1901*

*Commissioner*

S U P P L E M E N T A L T E S T I M O N Y .  
F.-D.#115.

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

SUPPLEMENT: TESTIMONY in the matter of the enrollment of  
GEORGE W. VANN, et al., as Cherokee Freedmen:

HARRISON ARBAUGH appears as a witness in the case of  
George W. Vann, et al., D. #115; present, George W. Vann and  
Attorney, and also the Attorney for the Cherokee Nation.

Said Arbaugh being sworn and examined by Commissioner  
C. E. Breckinridge, testified as follows:

- Q What is your name? A Harrison Arbaugh.  
Q How old are you? A I was born in '34.  
Q What is your post office? A Muldrow.

EXAMINATION CONTINUED BY JOHN F. FAULDS, Attorney for Applicants

- Q Where have you lived since the war with the Confederacy?  
A I have lived principally in Crawford County, in the State of  
Arkansas.  
Q How far would that be from Fort Smith? A It is called about 15  
miles.  
Q Have you ever lived in the Cherokee Nation? A Yes, sir.  
Q Whereabouts? A I have been living in the Cherokee Nation a  
short time; I have only lived in there about 14 years.  
Q Do you know the applicant, George W. Vann? A Yes, sir.  
Q When did you first know him? A Shortly after I was mustered  
out of the service; I was mustered out in the easter part of Ark  
ansas in the spring season and came that fall to Fort Smith to see  
my Ma, she lived in Fort Smith.  
Q What year was that in? A That was in '66.  
Q Did you see George Vann at that time, and if so, where? A My  
mother lived in Fort Smith and I come to Fort Smith and there I saw  
him.  
Q Do you know where he was living then? A He lived somewhere  
across the River in the Nation, I don't know where.  
Q In the Cherokee Nation? A In the Cherokee Nation.  
Q In 1866? A In 1866.  
Q Well, now, do you know where he has lived since 1866 up to the  
present time; has he lived in the Cherokee Nation? A He has been  
in the Cherokee Nation and in this Territory, one place and another,  
I could not tell where all; this is his home as far as I know.  
Q You have seen him off and on during the whole of that time, have  
you? A Yes, sir.  
Q Now, you were a noncommissioned officer in the army were not you?  
A Yes, sir.  
Q Did you hold some official position in Fort Smith? A I come  
there two or three times a deputy under officers, three or four  
times, four or five times.  
Q You have been constable have you? A I have served under Deputy  
Sheriff.  
Q How long? A Oh, just two or three times in the case of catch-  
ing a bad fellow.  
Q Do you know anything about George W. Vann being a Constable in  
Argenta, Arkansas, for a short time? A Well, about, a short time  
after the war, I went there, can't say, I am not going to say, but  
a short time after the war I went to see a soldier of mine that I  
served with in Little Rock and it was just about the time there was  
a big disturbance down there and about that time I saw George Vann  
and he was a Peace officer, something of this kind on this side of  
Argenta.  
Q That was in the time of the Brooks and Baxter? A Yes, sir;  
there was a disturbance and they wanted me to sign and I would not  
do it.

BY W. W. HASTINGS? Cherokee Representative:

- Q Where did you say you lived now? A Muldrow.
- Q How long have you lived there? A I have lived at Muldrow and near there 14 years.
- Q Where did you come from when you come to Muldrow? A I come from Arkansas, Crawford County.
- Q How long did you live in Crawford county? A I lived in Crawford County since the war.
- Q Is that the County east of Sebastian? A That is the County Van Buren is in.
- Q North of Sebastian? A Yes, sir.
- Q And about how far North of Fort Smith did you live? A About 15 miles.
- Q You never saw George Vann until after the war? A I saw him as I stated a while ago in 1866.
- Q That was after the war? A Yes, sir, after I was mustered out.
- Q And you saw him in Fort Smith at that time? A I saw him in Fort Smith.
- Q Well, what were you doing there then? A As I aforesated a while ago, I come to see my mother, she was in Fort Smith.
- Q Well, how long did you remain there at that time? A I remained there off and on six or seven days.
- Q You saw this George Vann at that time? A I saw him then.
- Q You recognize him now as the same fellow? A As the same George Vann.
- Q He went by the name of George Vann then? A He was George Vann then and has been ever since.
- Q And he always went by the name of Vann? A As far as I know.
- Q You saw him down at Argenta? A Yes, sir.
- Q He was Constable? A He was an officer.
- Q You recognized him then? A Yes, sir.
- Q He went then by the name of George Vann? A Yes, sir.
- Q All the time? A Yes, sir.
- Q You never heard of him going by any other name except George Vann? A Never did.
- Q How long did you see him in Argenta; how many days were you there? A I saw him several days; I saw him about twice or three times when I was there.
- Q How many days did you see him in 1866 when you were there on that trip to see your mother? A I could not tell you, I was here for six or seven days and I saw him off and on all the time when I was there.
- Q Is there anything to impress that upon your mind and make you remember seeing him at that time? A Well I suppose there would be, the fact we drank together.
- Q ~~Was~~ He was not a preacher then? A Not that I know of.
- Q Didn't you know of his preaching out around the country? (No response.)
- Q Did you hear of his preaching out on this side at that time? A On about the second term of Judge Parker's jurisdiction in Fort Smith I was on the Grand Jury and Mr. George Vann come out of the Choctaw Nation somethweres, maybe from Scullville, with about five person, he come there with the Marshalls.
- Q Well, tell about the preaching, did you hear about him preaching? A To Fort Smith; they had disturbed him somewhere where he was holding a protracted meeting and he was a witness against them there in the Court in regard to this trouble they had raised; he was holding a protracted meeting.
- Q You remember him in 1866, because you drank with him? A Yes, sir.
- Q Do you remember every fellow you drank with down there in Fort Smith? A That is too big a mouth full.
- Q Well, do you remember every one? A I could not tell you.
- Q That is the only thing that impresses it upon your mind that he was there at that time? A I was there and saw him.
- Q Did you never see him over here in the Nation until about 15 years ago, until you moved here? A I saw him over in Fort Smith, I would be in Fort Smith and I would see him cross there.
- Q Where would he cross? A At the bridge.

Q You would see him get in the boat and come across; when did you see him do that? A I saw him doing that in 1866, and I have seen him doing that oftentimes since.

BY JOHN F. FAULDS:

Q You were a soldier during the war you say; now, were you at any time during the war at Fort Smith in the capacity of a soldier?

A I enlisted at Fort Smith.

Q Did you ever drink with him there in Fort Smith during the war, did he ever give you liquor or sell you liquor or anything of that kind that you remember? A I have a faint recollection of that, but I won't swear it.

Q You know you drank with him there in 1866 shortly after you were mustered out? A I know that.

Q Now, when you saw him in Argenta, how many times did you see him there in Argenta? A Several times, when I was there.

Q We may have been going by the name of McKamy without you knowing it?

(Attorney for Cherokee Nation objects to this question.)

Q I will ask you this question, will you swear that he was not called McKamy?

(Attorney for Cherokee Nation objects to this question.)

A I don't know it, sir; if he went by any other name, sir, I don't know it.

BY W. W. HASTINGS:

Q You knew him by the name of Vann? A Yes, sir; he was in and out of the Nation to Fort Smith, and backwards and forwards:

W. W. HASTINGS: I want to introduce at this time the records of the Commission to the Five Civilized Tribes as shown in Docket "A" page 44, No. 257, containing the following:

"George W. Vann, et al.,

vs.

Cherokee Nation.

Filed September 7th, 1896. Answer

filed. Application denied."

Reference is made to the application of George W. Vann in the case above referred to No. 257.

GEORGE W. VANN, having been sworn, testified as follows:

EXAMINATION BY W. W. HASTINGS:

Q Have you a son by the name of James? A Yes, sir.

Q Newton? A Yes, sir.

Q Daughter by the name of Mary Jane? A Yes, sir.

Q One went by the name of John Jones? A No, sir, Jim Jones.

Q And one by John too? A Yes, sir.

Q And son by the name of Richard? A Yes, sir, that's my son.

Q Have you got a son by the name of John Vann? A Yes, sir.

Q Harrison? A Yes, sir.

Q And daughter by the name of Jane? A Yes, sir, Janie I call her.

BY COMMISSIONER BRECKINRIDGE:

Q You made application to the Dawes Commission in 1896 in the case referred to for yourself and family? A I think I did, I won't be certain, it seems to me that I did in 1896.

Q 1896, four years ago? A Yes, sir; I think I did.

Q You were trying your rights as a Cherokee by blood? A Yes, sir.

Q Who were your lawyers? A Seems to me like J. P. Mullan, I won't be sure; that is my recollection.



BY JOHN F. FAULDS:

- Q Now, Mr. Vann, you applied to be enrolled before the Kerns-Clifton Commission? A Yes, sir, was enrolled.
- Q Now, at the trial of your application at that time did they, did the Cherokee Nation by their attorneys plead that your case had already been disposed of in 1878 on an application by you before the Chambers Court? A Yes, sir.
- Q What I want to know, Mr. Vann, is this; if they didn't plead before the Kerns-Clifton Commission that you had already applied before this Chambers Commission, you understand away back in '78 or '80, and that you had been denied citizenship? A He (referring to Mr. W. W. Hastings) pled that.
- Q And the case was tried? A Yes, sir.
- Q And the case was decided in your favor? A Yes, sir.
- Q And you were enrolled? A Yes, sir.
- Q And you were enrolled? A Yes, sir, paid me the money.

JOHN F. FAULDS: Now come the defendant, George Vann by his Attorney J. F. Faulds, and enters a plea of resadjudicata in this case, on the ground that the matter was fully gone into before the Kerns-Clifton Commission and the Cherokee Nation there pleaded that George W. Vann had, in 1878, appeared before the Chambers Commission to apply for citizenship as a Cherokee Freedman and had been denied, and the defendant says that this issue was settled by the Kerns-Clifton Commission in his favor and that said decision now becomes resadjudicata and said decision of the Kerns-Clifton Commission now becomes resadjudicata.

W. W. HASTINGS: Comes now the Cherokee Nation by its Attorneys and moves the Commission to Enter judgement against the applicant, George W. Vann, for the reason that the records on file in the office of the Commission to the Five Civilized Tribes herein have referred to show that the said George W. Vann, for himself and family, applied to the Dawes Commission on September 7th, 1896, and the records show that said application was rejected in every particular, and that said judgment was the last judgment that has been rendered in this case, which was under the Act of June 10th, 1896, and that the Commission had jurisdiction over said case and that inasmuch as no appeal was taken from the decision of the Commission, that said decision of the Commission was final against the said George W. Vann and family and in favor of the Cherokee Nation.

Comdr Breckinridge; It has been claimed so far that the record of the Commission in the proceedings of 1896 related to an application made by George W. Vann for himself and family for admission to Cherokee citizenship as Cherokees by blood.

GEORGE W. VANN, re-called, further testified:  
BY COMMISSIONER BRECKINRIDGE:

- Q You claimed to have Cherokee blood in you as a matter of fact did you? A Yes, sir, Hartwell Houston and my mother are sisters; I am Cherokee by blood; my mother is half negro and Cherokee.
- Q Your mother was half negro and half Cherokee? A Yes, sir.
- Q What was her mother? A Her mother was a negro woman and her Master was John Brown, was her daddy, my grand-daddy, full blooded negro.
- Q Was your mother a slave or free woman? A No, sir, she was a free woman; after her master set her free two children was born, that was my mother and Hartwell Houston.

Q Your mother was free from a child? A Yes, sir.  
 Q And lived and died a free woman? A She had to take Id Joe Vann for a Master or put me up on the block to sell and she woknowl-  
 edged him and they takes jurisdiction over me just like any other negro.  
 Q You mother was free born? A Yes, sir; that in how come me to ap 1 as a free negro; they would not give it to me and I went back and they just made me so like these other negroes.  
 Q You were born in Tennessee, were you? A Yes, sir.  
 Q And when you left Tennessee you came to the Indian Territory? A Come right here with the Indians in '36.  
 Q So that all your life you claim two home, one first in Tennessee and one afterwards in the Cherokee Nation; is that right? A Yes, sir.  
 BY JOHN F. FAULDS: What was the color of your father? A My father was full blood African, Joshua McKany told me that he come over here and mother was in Virginia and stayed here.  
 Q Now, what part of you is Indian blood? A From my mother.  
 Q She was half negro and half Cherokee Indian? A Yes, sir.  
 BY COMMISSIONER BRECKINRIDGE: Your father was a slave was he? A No, sir, he come over here him and my grandfather on my father's side and six of them was stold and brought over here and they would not work; they said they would, well my father he didn't work and he would not do it and he went back to Africa.  
 Q How old were you when your father went back to Africa? A About 15, I know well when he kissed me and my mother.  
 BY JOHN F. FAULDS: Is there any white blood in you? A No, sir, there is Indian and negro.

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

(Signed) J. O. Kosson.

Subscribed and sworn to before me this 8th day of May, 1901.

(Signed) W. L. Breckinridge,  
 Commissioner.

J. O. Kosson, being duly sworn a stenographer to the Commission to the Five Civilized Tribes, says that the above and foregoing is a true and correct copy of the original transcript of the proceedings and testimony taken in this case on the above date, said original transcript having been made by J. O. Kosson, a stenographer.

Sworn and subscribed to before me this 9th of May, 1901.

*[Handwritten Signature]*  
 Commissioner.

W-111.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April 30, 1901.

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

Supplemental Testimony.

Appearances:

For Applicant: John F. Faulds, Esq.;

For Nation: W. W. Hastings and James S. Davenport.

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Mr. Hastings: Let the record show that this witness is summoned in the part of the applicant, George W. Vann.

Mr. Faulds: This witness is recalled for the purpose of being cross examined on the part of the defendant; the witness is the witness for the Cherokee Nation; there is no objection about that at all, that she can be called for cross examination with the permission of the Commission.

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Annie Green, being duly sworn by Commissioner Needles, testified as follows:

- Q. Now, you say: Mrs. Green, you have made application yourself to be enrolled as a Cherokee Freedman, haven't you? A. Yes, sir.
- Q. When did you make that application? A. The time that census was taken last year.
- Q. That was some three or four years ago? A. Yes, sir.
- Q. What did you claim to be at that time? A. My name was Annie Green.
- Q. Did you claim as a Freedman or as an Indian by blood? A. I claimed to be my daddy.
- Q. Who was that? A. Man Iviee.
- Q. I will ask you if you didn't swear when you applied for enrollment that your father was Sam Beach, this old man on the 'hind creek? A. No, sir, never did.
- Q. I will ask you if you didn't swear when you applied for enrollment at that time that you had continually resided in the Cherokee Nation since you were born? A. No, sir, I said this; I said I was here in and out, and I went where I could get the best wages.
- Q. And didn't you swear that you had made this your home ever since you were born? A. No, sir, I didn't.
- Q. You were here yesterday that you had lived in Argenta nearly all your life? A. No, sir, I said I had lived in Argenta.
- Q. Did you swear when you applied for enrollment that you had made the Cherokee Nation your home? A. No, sir, I didn't, not altogether.
- Q. And didn't you go back after that and swear that your father was an Indian then? A. I swore he was an Indian then, I saw that yet.
- Q. And you afterwards swore that your father was Sam Beach? A. No, sir, I didn't, no, sir, never did.
- Q. How many more ye stating that you were married the first time in 1870? A. No, sir, I was.
- Q. And you were 14 now? A. Yes, sir, I so.
- Q. I will ask you if you were not living in Argenta, Arkansas, somewhere in 1870 or 1875 and that you were married at that time and living with your husband? A. I wasn't married till 1870.
- Q. You were living at that time with a man and holding him out as your husband? A. No, sir, never lived with a man a day in my life.

Q I will ask you if this man that I refer to waan't sho' through the door? A Are you trying me for the crime, or old man Vann; that is what I want to know? If you will ask me anything proper I will answer that; that is all over with and I don't think it is called for.

Q You were charged there with having murdered your husband?

A Yes, sir, I murdered him in self defense and I was tried for it and I was acquitted by the Court.

Q But at the same time when you shot him you were in the roll with your paramour; with another man? A No, sir.

Q You were in the roll and he come there to see what you were doing and asked you to let him in and your wouldn't do it and you shot him through the door? A No, sir, that is not correct; they have got the record of it right there in Little Rock, and it don't claim any such thing.

Q Well, you shot him and killed him through the door? A He (indicating the applicant) couldn't have been there and here too, he said he had been here ever since 1866.

Q You had a man charged with raping your daughter over at Muskogee? Didn't you? A Well, have you got him on the docket too.

Mr. Davenport: I submit this is not proper in this case; I object to it as being improper; it is not cross examination, it does not refer to any matter that would affect this case.

Mr. Faulds: We have a right to show that she has been witnesses in all the courts of the land.

Commissioner: You have a right to submit anything I think pertaining to the credibility of the witness.

Q -Did you have a man charged here with ravishing your daughter?

A Yes, sir, I had a man arrested.

Q And he was acquitted? A Yes, sir, I don't know what they done with him.

Q He was turned loose? A I haven't seen him, I heard he was sent to the pen. and then I heard he was acquitted.

Q Don't you know as a matter of fact that they didn't pay any attention to this charge you made and turned the man loose?

A They paid attention to it enough to keep him in jail.

Q Why certainl, and you were kep in jail a long time on a charge of murder? A How long was I?

Q You know better than I do. A Well, you know so much about it maybe you know how long it was.

Q Isn't it a fact that the child you accused this man of ravishing was examined by a doctor and the doctor swore that the hyman was intact and that she had never been penetrated at all? A No, sir.

Q Didn't the doctor swear it? A No, sir, he didn't.

Q well, you know he did, don't you? A No, sir.

Mr. Faulds: I will state here that I will object to you (addressing Mr. Hastings) and Mr. Davenport crossing the same witness.

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Leah Brewer, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Your name is Leah Brewer? What is your post office address? A Fort Gibson.

Q How old are you? A I am about 34 I guess, maybe a little more.

Q Do you know Annie Green, who testified here a moment ago? A I know her, got acquainted with her down to the barracks.

Q Do you know whether or not she applied for enrollment here three or four or five years ago? A Yes, sir.

Q I will ask you if she didn't swear at that time that her name had always been here in the Cherokee Nation?

Mr. Hastings: I object to that, you haven't proved that this woman was present.

Q Were you here when she applied? A Yes, sir, I was here in Fort Gibson.

Q Did you hear her give her evidence? A Yes, sir, I was here.

Q Didn't she swear on that occasion that she had always made her home in the Cherokee Nation? A I think she did.

Q Didn't she swear on that occasion that Dan Roach, this old gentleman sitting over here with wht grey hair, that Dan Roach was her father? A She did say Dan Roach was her father, and they said another indian was her father.

Q And then swore than an indian was her father? A Yes, sir.

Q At a different time? A Yes, sir.

Q At one time she swore Dan Roach was her father? A She said Dan Roach was her father, and then she said an indian was her father, the indian was first, the indian was once and Dan Roach was once.

Q She claimed to be a Cherokee by blood? A No, she claimed once, and she claimed Freedman once; I don't know what it was.

Q She swore old Daniel was her father? A Yes, sir.

Mr. Hastings: Uncle George was a witness for her too at the same time, this man right here? A I don't know anything about that.

Q Were you present? A I heard her side.

Q Were you present when she testified? A I was.

Q Didn't George W. Vann, the applicant here, wasn't he one of her witnesses? A When she testified?

Q Yes, when she testified? A I didn't hear him testify.

Q You don't know whether or not he was a witness? A I heard hers, I didn't hear his.

Q Answer yes or not; you didn't hear him? A No, sir, I heard hers and left there.

Q You didn't hear him? A No, sir, I didn't hear him, I just heard her testify.

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George W. Vann, recalled for additional cross examination, testified:

Mr. Hastings: Mr. Vann, do you know this witness, Annie Green, who has been a witness here against you? A I do.

Q You knew her in Little Rock, or Argenta? A In Argenta I knew her, knew her mother, her mother lives there.

Q Her mother lives there? A Or did.

Q You knew her for a number of years? A No, sir.

Q You lived there with only a short vacant space between you, didn't you? A Yes, about as far as that house down there (indicating)

Q And you lived there about ten or 12 years right there by them?

A I did not.

Q And you left there about 1877? A I did not.

Q Was she an applicant for citizenship before the Kerne-Clifton Commission, this Annie Green? A Might have been.

Q And you were her witness? A I don't know, sir, don't know anything about it.

Q Are you willing to swear now you were not her witness? A Might have been.

Q Were you a witness? A I am not going to try, I don't know whether I was or not; if you can, show it.

Q Were you or were you not? A I don't know, I don't recollect.

Q Do you know who her father was? A I know that she has always said her father was an indian.

Q Well, what was his name? A I don't know.

Q What was her mother's name? A Yarbrough, was what they always called her.

Q How long have you known her mother? A About the same time I knowed her, first knowed them in Argenta.

Q How long ago? A I went there from here in the Brooks and

Baxter war, and Powell Clayton came up and collected about thirty or forty niggers to go into the Brooks and Barter war, the two Governors was fighting, the Republican and Democratic, and I went there then.

Q How long did you remain there? A I remained there in the service at the barracks about two months, then George Hughes died right across in Argenta and I was appointed by Governor Hadley to fill out the time as constable and stayed there six months and I came here and a white man was elected for constable and I never was a Justice of the Peace.

Q You lived there about six months? A No, sir, I stayed there more, I stayed in the garrison about two months, and I got out and George Hughes, the constable, died, and Governor Hadley appointed me constable until that time expired, and I stayed there six months and that made about eight months.

Q What is all you ever stayed in Argenta? A Yes, sir.

Q You didn't run for the office of constable and was elected?

A No, sir, never.

Q Did you see a man named Tom Alexander that I asked to step out of the room? A I don't know, the record can be shown at Little Rock.

Q You don't know this fellow Alexander that I spoke of, that stepped out of the room? A No, sir, I don't know who it is.

Q You haven't seen him here this morning? A No, sir, I haven't.

Q Tom Alexander, lived down in Sequoyah a while and has moved up to Tahlequah? A No, sir, I don't know him.

Q Didn't you swear who was this woman's father five years ago?

A Yarbrough.

Q Didn't you swear at that time that her father was named Dave Holt? A No, sir, I didn't do it, I might have said that is the way I understood it.

Q Didn't you swear you knew him? A Yes, sir, and do know Dave Holt.

Q Didn't you swear Dave Holt was her father, and he was an indian?

A No, sir, I don't know he was her father.

Q Didn't you swear it five years ago? A No, sir, I didn't know it, how could I swear he was her father.

Q Did you swear she lived on the Bickle place? A No, sir, it was the Bell place.

Mr. Faulds: I object, as there is no intention of contradicting the witness; if you will say on your reputation as a lawyer that you expect to prove these facts, I will withdraw the objection.

Mr. Hastings: It is a question of the admissability of testimony: yes, sir, I propose to prove it.

Q Didn't you swear then you knew her mother over 30 or 35 years?

A No, sir, I didn't, because I didn't

Q Didn't you swear that Dave Holt lived on 8 in Bayou? A No sir, I didn't, because he didn't live there, he lived in Sequoyah and not on Skin Bayou, he was living on Skin Bayou, but not on any of it.

Q Didn't you swear this woman was named Anderson before she married? A No, sir, Yarbrough was her name.

Q Do you not now swear whether or not you testified for her in 1898 before the Kerns-Clifton Commission?

Mr. Faulds: I object to this question, as it has already been asked.

A I don't know as I did, I don't remember.

Mr. Faulds: You were a constable you say for only six months in Argenta? A Yes.

Q You have heard the evidence of this witness that you resided there for a certain length of time; you say you resided there for only eight months? A I was there two months down there in the barracks, and orders came in of the blue coats the morning when we commenced fighting, and said if we didn't dispose of them arms we would be arrested.

Q You recollect about when you went there, to Argenta? A I do.

Q When? A I went there between 1874 and 1875.

Q And remained there eight months? A I remained in the garrison two months and then George Hughes died, a white man, in Argenta, and I was appointed constable.

Q Did you ever run for Justice of the Peace or act as Justice of the Peace.

A Never in the world.

Q Now at the time you were living there was this woman married or living with a man whom she held out as her husband? A Yes, sir.

Q Right close to where you were living? A Yes, sir, and she swears she did too and I say so too.

Q This man she was living with as her husband was the man she killed? A Yes, sir.

Q And you arrested her for it? A Well, let me tell it just as it is; I lived right close to her, and there was a church right here and her husband got dressed up to go to church with me and two of my deputy constables, my deputies and me went on and she stopped, and said to him, I don't believe I will go, I don't feel well, and we got about a quarter of a mile, and he said 'McKamy, it is my notion there is something wrong at my house,' and I said, 'what is it,' and he said, 'I don't feel right, I am going back,' and I heard a gun fired, and I was a constable and had four white deputies under me and four niggers, and I broke back, and when I got back I heard a man groaning and her husband was lying at the door, and this woman was at the door and he could talk, and I asked him what is the matter, and he says 'I am shot,' and I asked him where is his wife, and he says in the house, and I broke the door and she and a man was in there with her; and I arrested her and arrested him, and I can prove it.

Q This man that was in there wasn't her husband? A No, sir, and I said, 'did you shoot that man,' and she says, 'I done it,' and I said, 'well what did you do it for;' 'I thought it was a burglar,' and I says, 'you know your husband's voice;' 'I thought it was a burglar, this man didn't shoot him, I shot him.' I arrested them both took them before a white justice of the peace, she was bound over and stayed in jail I don't know how many days, and after a while a man, a lawyer, one of the first congress members there, she had a little money and he was working on the Gaira and Fulfton iron works, she hired Will Ferrell, the congress member, to defend her, and they worked on that case fully half a year and she got out, and I didn't see her again and I saw her in Fort Smith.

Q When was that? A That was in 1876, I saw her in Fort Smith, she was single, she married a negro there working in a wholesale store named Green, she is with now; she stayed there about a year and came over to Dr. Bell's place on this side the river and when she left there I never saw her until I saw here now; and I never have acted as Justice of the Peace.

Mr. Hastings: Was this man a member of congress at that time, that lawyer, Will Ferrell? A I don't know, but I know he has not been since

Q Was he then? A I tell you I don't know.

Q How did you come to leave Arkansas; you left there between the suns, didn't you? A No, sir, what did I leave there for.

Q Didn't your son get into trouble with a woman? A No, sir.

Q And didn't you shoot at her through a door? A No, sir, never.

Q You never shot at any woman? A Yes, I did.

Q Then you left too immediately? A No, I didn't, I stood my ground and came clear. I shot her, she busted a cap at me and ran off and shot at my because her boy had went out in the field and tried to get my boy to let him plough a big horse of mine named Big that nobody could go to him, and as soon as he got to him he goes after his mother, and she whipped him, Mollie Phillips, is the woman there, and I came to the butcher pen and I was a constable, and her boy there when my boy says you can't plough him, he picked up a piece of brick and hit him, and she was up to the butcher shot and I shot her.

Q In what year were you tried? A I was tried in I think about sixty, about '76, I think that is about the time I was tried.

Q You stayed there until you were tried? A Yes, sir.

Q Was that up before court or was it before the grand jury? A No,

sir, went before Court and tried before a jury and came clear because she shot at me.

Q And the woman's name was Mollie Phillips? A Yes, sir, and I shot her.

Q Was that tried in Argenta? A Yes, sir, and then when they went over into Little Rock before the Governor, or Judge, you might call him, Judge Butler, I was tried there and came clear.

Mr. Faulds: Now you were a constable at the time this shooting took place? A Yes, sir, she shot at me and broke a cap, and I jerked it out at the butcher pen and saw her and knew her and shot her in the groin, shot her right below the groin.

Q Did you kill her? A No, sir.

Charles Robinson, being duly sworn by Commissioner Needles, testified on behalf of the applicant as follows:

Mr. Faulds: Mr. Robinson, how old are you? A I guess I am about 25 years old.

Q What is your post office address? A I aint got no postoffice.

Q Where does your wife get her mail? A The last mail she got, she got it over here to -- I don't know what is the name of the place out here on the road; that postoffice was burned down and she hasn't got any mail for a year.

Q You know Joe Bruner? A Yes, sir, I been knowing Joe Bruner for about, two, three years.

Q Do you know his general reputation in the community where he lives for truth and veracity? A I know that it is not very good.

Commissioner: The question is, do you know it? say yes or no.

A Yes, sir, I know part of it.

Mr. Faulds: Didn't you say here before you knew his reputation? Let me explain: you live within two or three miles of him and I want to know --

A His reputation is bad down there.

Commissioner: Do you know his reputation? A Yes, sir, I know some of it.

Mr. Faulds: A man's reputation for truth and veracity consists in what people say of him, as to whether he is a truthful man or an untruthful man; now I ask you the question whether or not you are acquainted with his general reputation for truth and veracity in the community in which he lives? A Yes, sir, it is not good.

Q Answer yes, or not? A No, it is not good.

Q Answer whether or not you know the reputation? A Yes, sir, I know it is not good.

Q Is it good or bad? A It is bad.

Mr. Hastings: He is a witness against your wife here in her application for enrollment? A I don't know the first time I ever saw him, I don't know whether he is or not.

Q Didn't you come up here to testify against something he testified in your wife's case? A I came to tell something he told a story about.

Q Was he a witness in your wife's case? A No, sir, he was a witness in my daughter's, and he said he didn't see her in the nation and he tried to court her in the nation.

Q How do you know he said that? A Because my daughter told me he said so.

Q Then he must have been a witness in her case? A I said my daughter, you said my wife.

Q Who did you ever hear say Joe Bruner's reputation was bad?

A Here is one witness right here.

Q Who, George Vann? A Yes, sir, and I can get several more.

Q Well, who? A There is one out doors.

Q What is his name? A Tom Davis, old man Tom, that is his name.

Q When did you hear him say that? A I heard him say so dozens of times.

Q When was that? A I have heard him say so lots of times.



Q Well, name one day? A Lots of the rest of them will say so.  
Q Who else did you hear say anything about it? A I can tell the names of different man.  
Q Well, name one of them? A Well, there is not over five or six.  
Commissioner: You don't recall anybody. (No response.)  
Q This man is a witness against George Vann? A I don't know, sir, anything about that.  
Q You heard Vann say so? A No, sir, I don't know what he said or nothing at all.

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Daniel Roach, being duly sworn by Commissioner Needles, testified as follows:

Mr. Faulds: Do you know Annie Green, who testified here? A Yes, sir.  
Q Was she your daughter? A No, sir.  
Mr. Hastings: Did she ever claim to be your daughter? A Not to me, she claimed to be a daughter of a Price, Mose Price was my master, now he is the man raised me.  
Q She never claimed to be your daughter? A No, sir, she claimed Price.  
Q Did she claim that five years ago, before the Kerns-Clifton Commission? A Not to my knowledge.  
Q Did you ever go to Tahlequah to look it up? A Yes, sir, I saw the woman right here and I went to Tahlequah to look it up and I went to Mr. Bengé, old man Bengé: my master was her father, used to be my master.  
Mr. Faulds: Did you hear her testify when she made application to be enrolled at the time of the Kerns-Clifton roll? A I don't recollect it.  
Q You don't know whether or not she swore you were her father?  
A No, sir.  
Q Did you ever hear she claimed you were her father? A Some of the children: I had a daughter just about her color and size, and when they would be going to church they would be walking together, and the children said look yonder, they must be daughters of Daniel Roach, they are both just alike, and it came up from that.  
Mr. Hastings: You never heard her claim it? A No, sir, I never heard it.  
Mr. Faulds: You heard that she said it? A Yes, sir, just told around.  
Q You heard that Annie Green claimed to be your daughter? A Yes, sir, after the children said it was, she said yes I am, or something that way: that is about the way I understood it.

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THOMAS ALEXANDER, being duly sworn and by Commissioner Needles, testified as follows on behalf of the Cherokee Nation:

Q What is your name? A Thomas Alexander.  
Q How old are you now? A About 50.  
Q Do you know where you were born? A Born in Huntsville, Ala.; raised up in Nashville, Tennessee.  
Q Did you ever live in Arkansas? A Yes, sir.  
Q Ever live in Little Rock? A Yes, sir.  
Q When did you live there? A I left there in 1868, as near as I can come it.  
Q About when did you move to Little Rock? A I came there in 1877.  
Q You came to Little Rock in 1877? A Lets see if I am right: No, sir, I came there in 1870, that is correct.  
Q Do you know this applicant here, this man? A I don't know, sir. I have been seeing him about.  
Commissioner: Do you know him? A Yes, sir, I know him, George Vann.  
Mr. Hastings: Did you know him in Sequoyah district? A Yes, sir.

Q Do you live in Sequoyah down there? A Yes, sir, that is where I came to in 1885.

Q Did you ever know him before that time? A I saw him down to Little Rock, a constable in Argenta, on the Argenta side.

Q That is just across the river from Little Rock? A Yes, sir, north I think it is.

Q Now about when did you first know him in Argenta or Little Rock?

A Well, I don't know, as near as I can come at it, I think it was about 1874 that I saw him there, a constable, if I make no mistake.

Q About how long did you know him down there? A I don't know that he was a constable, I think, if I make no mistake, two years, or somewhere in the bounds, but he didn't serve his time out; I don't think he served his time out because if I make no mistake a man taken his place by the name of Gladney.

Q About how long did you know him there, two years?

Mr. Paulds: I object to the question as leading.

Q How long did you know him in Little Rock or Argenta? A I have knowed him I guess, I will have to say about two years.

Q Did he have a family there then? A Yes, sir.

Q Lived there? A Yes, sir.

Q Do you know when he left there? A Well, he left there sometime unbeknown to me; when I found out, he had come left there, done gone, he was but his family hadn't.

Q About when did you miss him to the best of your knowledge?

A Well, now I think he remained a constable to the best of my knowledge close to two years, and left there, and when I heard of him again he was gone, I don't know as I knew he was gone then except I saw Mr. Gladney riding in his post.

Q The next time you saw him in the Cherokee Nation? A Yes, sir.  
Q What was he known by down there? A I always heard him called McKamy, I don't know whether it was a nick-name or what it was; that was his name, McKamy.

Q You saw him down in Sequoyah district and his name was Vann down there? A Yes, sir.

Q Did you ever talk to him up here about his being in Little Rock? A Yes, sir, he has talked to me about it; asked me if I didn't know him, about his being constable down there.

Q Did he ever talk to you about his whereabouts before going to Little Rock, or Argenta? A Yes, sir, he told me about being at Pine Bluff and Memphis, before now.

Q He didn't state how long he had been there, or what his business was there? A He said he had lived there a while.

Mr. Paulds: You lived in Argenta from 1870 to 1885? A No, sir, I never have lived in Argenta.

Q Well, Little Rock? A Yes, sir.

Q Argenta is a suburb of Little Rock? A Yes, sir, it is a suburb I guess.

Q And during the time that you knew Vann there he was a constable, wasn't he? A Well, that is about the first I knew of him, about him running for a constable.

Q Now don't you know as a matter of fact that he never did run for a constable, that he was appointed as a constable to fill out the time of a man who had died? A No, sir, I never heard about it.

Q But still you can't deny it? A I does deny it, I don't know nothing at all about that.

Q Didn't you say here a moment ago that he didn't fill out the time; didn't you state that just now in your evidence in chief, that George Vann didn't fill out his time? A Maybe he didn't quite fill it out, maybe he had to go away from there before he had filled it out.

Q Just answer my question please; I am not asking you about other things; we will come to that in time. How are constables elected back in Arkansas? A I don't know, sir, I can't say for certain, but I know he remained there in that settlement for constable for two years and started on a second term, if you want the truth about it, but he didn't serve his second time out, he had to go away.

Q He went away? A He had to go away.

Q What for? A I can't say for certain, only I heard he had to go away from there about shooting at a widow woman in a door, and another thing was getting away with some money; I don't know, all I know I have heard.

Q Do you know anything about it? A No, sir, I don't know anything about it, but that is the talk.

Q You were not there? A No, sir, of course you know I couldn't have been there if he was constable.

Q Do you know as a matter of fact whether he ever did run for constable in that district? A He tried at one time, he tried to run for constable if he didn't run.

Q Answer me whether he run for constable? A Yes, sir, he run for constable.

Q You swear to that? A Yes, sir.

Q Did you vote for him? A No, sir, I didn't.

Q Do you know anybody did vote for him? A No, sir, I don't know who voted for him.

Q Do you know whether anybody voted for him? A Somebody voted for him, else he wouldn't have been elected.

Q And you know he actually did run there for constable? A Yes, sir

Q Know that if your own knowledge? A Yes, sir.

Q Tell me why you know it? A If a man gets on a ticket to run for constable like I see I guess he has to have tickets to run on.

Q Did he have tickets to run on? A I wasn't in his jurisdiction.

Q You didn't see any tickets with his name on them? A Yes, sir, I did.

Q What name was on it? A McKamy.

Q Who else was on it? A George McKamy.

Q What year was that in? A I don't know what year that was in, it was long about the time I was told you it was.

Q Who run against him? A That I don't know, who run against him

Q You don't know who run against him? A No, sir.

Q You don't know whether he was elected? A He was elected once I know.

Q Might it not have been that he was appointed to fill out the place of a man who died there? A I don't know anything about that, I am at the first of that, I never heard of that; if it is that way I never heard anything at all about it; I never heard it that way.

Q Can you remember the first time you saw him in Argenta, the year?

A I am not going to specify the specified year I saw him therein; I am not going to specify what certain year, because I might be mistaken in it, but I know he was there and run for constable two years and entered on a second term and never filled it out.

Q Do you know what year he left there? A No, sir, I don't know that.

Q You don't know the year he started to act as constable and you don't know the year he left there, do you; now answer me my question; you don't know when he started to act as constable and you don't know when he quit acting as constable, do you? A I don't know anything about when he quit, I don't know when he left there; he left when I didn't know it; he was gone when I found it out.

Q And he had been gone a long time when you found out he had been gone? A Not more than a month or two.

Q Do you know what year he started to act as constable or what year he quit acting as constable; you have already sworn you didn't know what year he started to act as constable; didn't you swear that? A He acted as constable there '74 or '75 along there, but I will not specify for certain what year; I can't say what year for certain.

Q It was in '74 or '75? A Right along in '74 or '75.

Q When did he leave there? A And he left there, seems if I make no mistake, he left there in 1877, I think it was, since I come to think about it, if I make no mistake, somewhere along there.

Q Do you know it? A He left there in 1877 or 78, somewhere along there, as near as I can recollect.

Q But you don't recall it? A I don't recollect exactly.

Q Might it not have been in 1875 he left there; now you are on your oath? A I know I am under oath; he didn't leave there that year.

Q He might have left there in 1875? A He didn't leave there in 1875; he was there in 1875.

Q He came there in 1878 or 1875, didn't he? A No, sir, I didn't say he came there; I don't know when he came there; no, sir.

Q Didn't you say he started to act as constable in 1874 or '75?

A Yes, sir, I said that, but I didn't say he came there in that time.

Q And he left there in 1876 or '77? A Yes, sir, left there right along in one of them years, I will not say positive which.

Q Did you ever know of him acting as Justice of the Peace over there? A No, sir, I never heard of that.

Q Well, will you swear he didn't act as Justice of the Peace while he was there? A I swear he didn't to my knowledge.

Q And if he had done it you would know it? A I don't know, I think I would.

Q You saw him walking around the streets with his badge on? A I never saw him act as any justice of the peace, never heard of it before; he acted as a constable, riding around summoning people and making arrests, but didn't look like a justice of the peace to me.

Q Are you a Cherokee Freedman? A No, sir, I am a state man.

Q You have no right here at all? A Not a bit.

Q How long have you lived here? A I came here in 1885.

Q Been living hereever since? A Yes, sir.

Q You have been living with one of George Vann's children some of that time, haven't you? A Yes, sir.

Q How long? A About a year.

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

Q Did you quit her or she quit you? A There was quitting and doings.

Q She quit you didn't she? A O, yes, she quit me.

Q Then it was mutual? A Yes, it was mutual, that is what it was.

Q Which daughter was that, Mary Jane? A Mary Jane; I guess you ask me that nugh, you ought to ask me about some of his sons down there in Little Rock now; they haven't left there yet.

Q Have you got any sons in Little Rock? A I didn't say no, I said Mr. Vann, or McKamy, or whatever they call him.

Q You have never been charged with any crime? A Yes, sir, I was charged with the crime and came clear of it.

Q What were you charged with? A I was charged with burning a house and was acquitted for it in the Commissioner's court.

Q Is that all you were charged with? A That is all I ever know of.

Q You were charged with rape once? A Never heard of that before; no, sir, never heard of it before; I am at the first of that; I told you what I have done; no, sir, I never was.

Q You have committed rape lots of times, haven't you?

Commissioner: You need not answer that question.

Mr. Paulds: Were not you charged with burning this Vann house because she wouldn't stay with you? A Yes, sir, I was charged with doing that but I didn't do it and if I had done it it would have been proved on me

Mr. Hastings: They tried you and you came clear? A Yes, sir, and you can ask him about it.

Mr. Paulds: You lived there in Little Rock continuously from 1870 to 1885? A Yes, sir.

Mr. Hastings: You lived with this daughter, Mary Jane, a while?

A Yes, sir.

Q About how old is Mary Jane now? A According to what I would call her, I guess she is about 35 or 40.

Q Did she ever tell you anything about where she came from before she married you? A Yes, sir.

Mr. Paulds: I object to that as hearsay.

Commissioner: I don't think that is pertinent.

Mr. Hastings: The question of whether or not she told him of

her whereabouts prior to their marriage he can answer by saying yes or no; now that is not telling any hearsay or what she said, except to say whether she told him or not, and then the next question perhaps would be objected to by the attorney on the ground it was hearsay, but now our first point is that this ought to be answered as to whether or not she overheard him; that is not hearsay; he might object to what she did tell him afterwards, but that is a second question, and this is only leading up to it.

**Mr. Hastings:** Now go ahead and make a statement of all Mary Jane said about her whereabouts as far as you know, prior to her marriage?

**Mr. Faulds:** I object to that.

**Mr. Hastings:** I want to call your attention to this point, that when Charlie Robinson was on the stand in his case, not five or ten minutes ago, the questions were then asked him by this same attorney, the question was asked him as to the whereabouts of his wife, and who she belonged to. The question was then objected to, and this same Court rules in that case that inasmuch as there had been more or less latitude allowed about it, that hearsay upon that question was admissible, and it was allowed to be testified to at that time by that man, who she belonged to, when he didn't claim to know her before the war at all, but who she said she belonged to before the war, which was clearly a declaration in interest, and this is a declaration against interest. It is a matter of family history and in our judgment clearly admissible in this case.

**Mr. Faulds:** My learned friend is entirely mistaken when he says that any such testimony was objected to in this case. Charlie Robinson was called in this case to prove the reputation of Joe Bruner, and as your honor knows, that is an exception to the rule and you can prove reputation by hearsay evidence, but we never offered any evidence at all as to what had been said by this person and that person. Now then the proposition to offer in evidence what this man's daughter had told this man with whom she lived, not even as her husband. Now there is a rule which required the best evidence to be given. What is the best evidence? The testimony of Mary Jane Vann herself; that is the best evidence. Let them call her, swear her, ask her the question where were you living, where was George Vann living! that is the best evidence, that is the original evidence, and hearsay evidence against interest is never admissible when you can get the original, the best evidence. Would not be admissible under any circumstances because the parties are not in any respect whatever identified in interest.

**Commissioner:** Well, that might have been proper at that time. The objection wasn't strenuously urged by the counsel. This testimony it appears to me is not relevant at all, and is not a proper question. This woman is alive. I don't think it is very material in either event.

**Mr. Hastings:** Comes now the representatives of the Cherokee Nation and except to the ruling of the Commission in the above case.

THOMAS BELL, being duly sworn and examined by Commissioner Needles, testified as follows:

**Mr. Faulds:** Your name is Thomas Bell? A Yes, sir.

Q And your post office is what? A Bora.

Q Indian Territory? A Arkansas; near the line.

Q How old are you? A I don't know, over 60 or 65.

Q I will ask you if you are acquainted with Joe Bruner? A A lit-

tle, yes sir.

Q Do you know his general reputation for truth and veracity in the community where he resides; what the people say? A Yes, sir.

Mr. Hastings: How far do you live from Joe Bruner? A As near as I can study and think, it must be about five or six miles.

Q Do you know his reputation in the community in which he lives?

A I don't know it, no more than what I hear.

Q Do you know it in the community in which he lives? A No, sir, I don't know it, but I hear it.

Mr. Faulds: Reputation, you understand Mr. Bell, is what the people say of Mr. Bruner; it is not what you know. A In his settlement?

Q Yes, in his settlement, among people with whom he is acquainted, and whom he associated with. I want to know what his reputation for truth and veracity is among those people; do you know it?

A Yes, sir.

Q Now is that reputation good or bad? A Bad.

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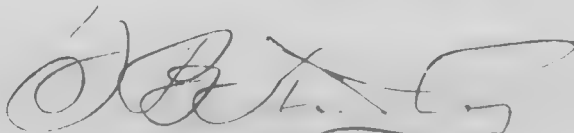
Mr. Faulds: Of course the Commission understands that we have a great many witnesses we have not brought, that we intend to bring up at Muskogee, but we haven't any more here.

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

Bruce C. Jones

Sworn to and subscribed before me this the 18th of May, 1901.



Commissioner.

File with Cherokee Freedmen, D-169, Richard Vann.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 12, 1901.

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

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

J. S. Faulds, attorney for applicants;  
W. W. Hastings and J. S. Davenport, of counsel for Cherokee Nation.

Mr. Faulds: Applicant objects to any testimony being offered against him, on the ground of insufficient notice, notice being served on me yesterday.

Commission: The Cherokee Nation makes satisfactory proof of service of notice on the said George W. Vann, that testimony would be taken in behalf of the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on the 12th day of September, 1901. The said George W. Vann has been called three times and does not respond. It is further stated that the said George W. Vann was about the office of the Commission during the forenoon.

JOHN BYNUM, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A John Bynum, J. G. Bynum, I am 54 years of age, going on 55.

Q Your residence? A Residence, North Little Rock.

Q By what name was the town in which you live now known prior to its being known as North Little Rock? A Argenta.

Q How long have you resided in Argenta, or North Little Rock as it is now called? A Since '85.

Q Did you ever know a colored man in Argenta who went by the name of George W. McKamy? A Yes, sir.

Q About when did you first get acquainted with him, giving the year as near as you can? A Well, as near as I can commit to memory, it must have been about '73 or '4 when I first knew McKamy there.

Q Did he occupy any official position while he was in Argenta?

A Yes, sir, he used to be constable there.

Q Did you get acquainted with him before he was a constable or after he was constable? A I got acquainted with him before he was a constable, but more after he became constable, that is, I saw him after he was a constable; I never had much to do with him after he became a constable he came before me more.

Q Do you know whether or not he had a family in Argenta? A Yes, sir.

Q About how many did his family consist of, if you know, John?

A I really sir don't know, I am satisfied he had a wife and I think there was some three or four children, I won't be positive about that.

Q Had he any boys in the family that you know of? A Yes, sir.

Q Do you remember any of their names? A One of them was named James, and the other one, I know his name but I just can't think of it.

Q When you became acquainted with McKamy, have you known this

boy James? A Yes, sir.

Q Where has he been living since you first knew McKamy? A James run away from Argenta.

Mr. Paulds: I object to this. What has it got to do with George W. Vann?

Commission: The objection will be noted; let him answer the question.

A James run away from McKamy, I suppose 20 years ago, maybe longer, he run away from there, and he come back here --

Q Came back where? A Back to Argenta, about a year ago, or maybe more, that I first seed him being there.

Q Is he living in Argenta or North Little Rock now? A Yes, sir, he is living there.

Q Was you living in Argenta when what was known as the Brooks-Barter war came up? A Yes, sir.

Q You remember about what year that was? A It was either '74 or '75, I disremember which year it first started.

Q Had George W. McKamy been constable in the town of Argenta before the Brooks-Barter war? A Yes, sir.

Q Do you remember now about how long? A No, sir, I don't just exactly remember how long he was constable before that came up.

Q Do you know whether or not he was living in Argenta when the Brooks-Barter war came up? A Yes, sir, he was there when it came on.

Q About how long did he continue to live there after the Brooks-Barter war, to the best of your knowledge? A Well, I don't know sir just exactly how long it was after that before he left there, I just don't commit to memory just exactly how long it was and what time he did leave there.

Q About how many years do you think he lived in Argenta? A He must have stayed there some three or four years anyhow to my knowledge, if not longer.

Q Do you remember what the name of the township that Argenta was in at that time; in your county you have townships where constables have jurisdiction; do you remember the name of your township?

A I think it was Eastman.

Q You have a township and have a constable and deputy constable?

A Yes, sir.

Q Was that Eastman township? A Yes, sir, I am mighty near certain.

Q Have you seen the man George W. McKamy since you have been to this place? A Yes, sir.

Q Was the same man constable there prior to the Brooks-Barter war? A Yes, sir.

Q And the same man that acted there as constable? A Yes, sir.

Q You are quite sure he was acting as constable before the breaking out of the Brooks-Barter war? A Yes, sir.

Mr. Paulds: Don't lead the witness that way.

Q Do you know whether or not he goes by the name of George W. McKamy here? A Well, I heard they call him George something else, Vann or something like that, here; I hear them call him that here.

Q Did he ever go by that name when he was living in Argenta?

A No, sir, he always went by the name of G. W. McKamy.

Q Did you live in Argenta when a certain colored woman known as Aunt Green killed her husband? A Yes, sir, I was eight miles this side.

Q You know of the circumstance? A Yes, sir.

Q Do you remember about what year that was she killed her husband?

A I think it was in 1883.

Q You think it was in the eighties? A Yes, sir, somewhere in the eighties.

Q Paulds: Did you ever visit at McKamy's house? A Well, no sir, not often. No sir, I don't remember of visiting there, I might have been there, I don't commit to memory whether I was or not.



Q I want to know whether you were ever at his house, visiting there?

A I can't say really now positive I was at his house; I have been by the place where he used to live, but whether I have been in the house I can't say; he used to live there close by a family that I used to visit, a good deal; they were all in the same yard.

Q You don't know what year that was you first saw him there?

A I am not positive whether it was '73 or '4 that I first got acquainted with McKamy.

Q Are you positive it wasn't 1875? A Well, I think it was before that, according to my best judgment, that I got acquainted with him.

Q When you say the Brooks-Barter war broke out? A Well, I am not positive about what year that was.

Q You were living there in Argenta when it broke out? A Yes, sir, I have made that my home since '65.

Q Did you have anything to do with that war? A No, sir.

Q And you say McKamy was acting as constable there? A Yes, sir.

Q Was he acting as Justice of the Peace? A No, sir.

Q Do you know whether he was appointed or elected? A He was appointed.

Q What was the name of the Governor at the time that war was going on; Hadley? A Yes, sir, Hadley was the man that appointed him; there was such a wrangling among the governors I don't remember who did hold, I know there was a wrangling between Brooks and Barter and finally Barter came out, seem that everybody got to fighting, but just how that tangle was, of course I was a little wild at that time, I don't remember all about it.

Q Governor Hadley was the man that appointed him? A Yes, sir.

Q There was a great many colored people taken out of the Territory over there in that war, from out of the Territory? A I don't know sir, that there was; there was a good many brought from down between Fort Smith and Little Rock, carried down there, but I don't know whether any came out of the Territory or not; I know some people came down from between Fort Smith and Little Rock by the same name I am, belonged to the Bynum family down there, but I never got acquainted with any came from the Nation; they might have come, I don't say they didn't, but I never got acquainted with any.

Q Vann was married at that time, was he? A Yes, sir.

Q How how often would you see him there? A Oh while he was constable I used to see him often times there.

Q When he wasn't constable, did you see him often? A I didn't know so much about him; now when he was constable I often seen him.

Q When he wasn't constable, there would elapse a great length of time sometimes when you wouldn't see him? A I can't say about that, I never paid much attention to him until he got to be an officer, and I was a wild boy and I had to keep an eye on the officer.

Q Did he ever arrest you? A Yes, sir.

Q What did he arrest you for? A He arrested me on the charge of being drunk there one night.

Q Who, McKamy? A Yes, sir. There was a white man killed there one night, and me and a bar keeper had some racket, and of course some white men came on that knowed me, and he read out the warrant for me, but this night when I had the racket there I had it with the bar keeper, and McKamy - his deputy first came on and taken hold of me and I threw him loose - and McKamy came and taken me then and carried me over - I was running a shoe shop, and carried me over and locked me up in my own shop and put the key in his pocket.

Q What became of that charge, what was done with that? A They dispensed with it, found out I wasn't the man, and didn't know anything about it.

Q And McKamy was the man that arrested you? A Yes, sir.

Q You were angered at McKamy for arresting you? A No, sir, I considered him my friend.

Q Have you ever arrested any anybody since? A No, sir, no.

was the only thing.

Q You say when he ceased to act there as constable you lost track of him, don't know anything about him? A Yes, sir, I guess he left there; I don't know exactly how long after he ceased to be constable.

Q After he ceased to be constable he left there? A Yes, sir.

Q You didn't see anything of him after he ceased to be constable?

A I believe he has been back there, just been back and visited, tended to some business, and I have seen him once or twice; he has been back there.

Q That is after he ceased to be constable? A Yes, sir.

Q When did you say you first got acquainted with him; '73 or '74?

A Yes, sir.

Q Where did you first meet him? A Met him there in Argenta.

Q That the time the trouble was coming up, this war? A That was a little while before this war came up.

Q How long before, a month or so? A I really don't know.

Q Maybe a month or so? A Might have been just that long and might have been longer, I can't say.

Q You don't know? A I can't say.

Q So that your acquaintance with him there in Argenta is confined nearly altogether to the time that he acted as constable? A Yes, sir, more particularly, I knew him well then and was better acquainted with him; it behooved me to keep my eyes on the officers.

Q You were watching the officers? A Yes, sir.

Q You were afraid of them? A I was sorter shy of them.

Q You got drunk occasionally? A Yes, sir.

Q Kind of a whiskey fellow then? A Yes, sir.

Q Got better sense now? A Oh yes, sir, quit altogether.

Mr. Davenport: John, how long after he ceased to act as constable did he live there in Argenta? A I really don't know, sir, just exactly how long he did stay there after he ceased to act as constable.

Q Do you know whether or not he lived there any time after he quit acting as constable? A Well, yes, sir, I know he stayed around there a short while, I don't know just exactly how long.

Q You spoke a moment ago he lived in the yard with a family you visited quite often; what was that family named? A He lived in a yard they called the old King residence, where a man named LaMoyné used to live.

Q Was that the family you had reference to? A Yes, sir, I used to visit a great deal.

Mr. Paulds: You know where McKamy came from when he came to Arkansas? A No, sir, to my best knowledge though he came from the east somewhere, from one of those eastern states, to Argenta, I don't know where originally.

Mr. Davenport: You always understood he came from some of the states east of Arkansas? A Yes, sir.

Mr. Paulds: I object to that.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in testimony a certificate from the County Court of Pulaski County, Arkansas, showing the date of the appointment of George W. McKamy as constable for Eastman Township, State of Arkansas, County of Pulaski.

Mr. Paulds: I have one of those, we don't know whether it is the same as this, we are going to offer in evidence.

(Document described above admitted without objection.)

Mr. Davenport: I also desire to introduce a certified copy of the judgment and order of court, entered by the cir-

cuit Court of Pulaski County, State of Arkansas, in the case of Joseph Brooks, Plaintiff, against Elisha Baxter.

Mr. Faulds: I object to that; what has it got to do with this case?

Mr. Davenport: It shows when Mr. Brooks and Mr. Baxter's war came on; I propose to show the war followed the entering of that order, and that is the best way of proving when the order was entered.

Mr. Faulds: I object to this, as incompetent, irrelevant and immaterial, and nothing to do with the case whatever.

Commission: The objection will be noted and the document will be filed.

Mr. Faulds: No proceedings in a suit between parties, in which George W. Vann wasn't a party, would be competent against him.

Mr. Davenport: It is offered for the purpose of showing by the best testimony when the controversy arose over the Governor's office between Joseph Brooks, who was contending for the office of Governor against Elisha Baxter, who was the incumbent and acting Governor, being the first record upon which they went into the court, in order that subsequent testimony may be introduced to prove when the war known as the Brooks-Baxter war, in the state of Arkansas, came up.



W. R. F. PAYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence? A My name is W. R. F. Payne; my age is 47 next birthday.

Mr. Faulds: Were you listening to the evidence of this former witness? A No, sir; my residence is Argenta, or Little Rock.

Mr. Davenport: How long have you resided in Argenta, or North Little Rock, Mr. Payne? A 21 years.

Q Was you residing in there when what was known as the Brooks-Baxter war took place? A Yes, sir.

Q Were you residing in Argenta in the eighties? A Yes, sir.

Q At any time during the eighties did you hold any official position in the town of Argenta, Arkansas? A Yes, sir, I did.

Q What position was it you held? A I was constable there.

Q In what township; or what was known as a township at that time?

A It was Hill Township then, but it was a part of Eastman; it was cut off of Eastman; Eastman was divided in '84, and in April, '85, I went in the constable's office and remained there until the 17th of September, '88.

Q During the time you were constable, who acted with you, if anyone?

A A. M. Doty.

Q Is Mr. Doty dead or living? A He is dead.

Q During that time, was a colored man by the name of George McKamy constable? A No, sir, he wasn't, he held no position there in that township.

Q Do you remember the circumstance of a colored woman having killed her husband, whose name was then Annie Greer, who now is Annie Green?

A Yes, sir, I knew Annie Greer when she lived there and know when she killed her husband.

Q Have you seen her since you came up here?

Mr. Faulds: I object to that as immaterial.

Mr. Davenport: The representatives of the Cherokee Nation offer it for the purpose of contradicting the applicant. The applicant has testified that he was constable at the time this transaction took place, and that he made the arrest.

Commission: The objection will be noted and the witness will be permitted to answer the question.

Mr. Faulds: I would desire to further state that you have no right to contradict the witness on an immaterial.

matter, even if what you say is true.

A Well I met Annie, that I knew by Annie Greer in 1886 when this happened; in the early part of '86 I think when she killed her husband.

Q Who made the arrest in that case? A Me and Mr. Doty made the arrest, Mr. A. M. Doty, we were together.

Q Was George W. McKamy about her, have any part in the arrest?

A He took no part in the arrest, I don't know where he was at that time; he taken no part in the arrest, had nothing to do in any manner with the constable's office in the township at that time.

Q Do you know the year the Brooks-Baxter war took place? A I only know it from history; my impression is it was in '74, but I wasn't in the state at that time, I was in Mississippi, I lived there.

Mr. Faulds: Did you know McKamy? A I don't remember him, I don't think I was acquainted with him at any time.

Q Do you know him now? A No, sir, I don't think that I know him.

Q You would not know the man if you saw him? A I saw the man that was pointed out to me as McKamy, but what I want you to understand is I don't remember anything about him, only seeing him, I have no acquaintance with him that I recollect.

Q What year was this you say you arrested this man? A This woman; it was in '86, early part of '86 when this happened.

Q Well, this was a different transaction altogether you are speaking of, this arrest you made. A I am speaking about the arrest of the woman when she killed her husband.

Q Was it her husband she killed? A Yes, sir; that is what she was arrested and tried and acquitted for, killing her husband; it was her husband that was killed.

Q You are sure of that, are you? A Yes, sir.

Q And that was in '86? A Yes, sir, it was sometime in the early part of '86, I don't recollect the dates particularly, only I know it was in the early part of 1886.

Q You never saw McKamy then in Argenta at all? A I don't remember if I ever did.

Q Don't know that he ever lived there? A No, sir, I don't know anything of that kind.

Q Don't know that he acted as constable there? A Not of my own personal knowledge I don't; when he acted as constable was before I came there; I know that from hearsay, but not from my own personal knowledge.

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Mr. Davenport: The representatives of the Cherokee Nation now offer in evidence a certified copy of the indictment and judgment in the case of the State of Arkansas against Annie Greer.

Mr. Faulds: Why this is a different case entirely that you are bringing up here; I object to this; the applicant is no party to this judgment and it cannot be evidence against him; incompetent.

Mr. Davenport: The representatives of the Cherokee Nation offer the certified copy of the indictment and judgment for the purpose of contradicting the applicant, and for the purpose of showing that the transaction of the killing of the husband of Annie Greer by her took place more than 12 years after the applicant claims he resided in Argenta, notwithstanding he claims he made the arrest.

Commission: The document will be duly filed.

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HAY LA MOYNE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A My place of residence, Argenta.

Q What is your name? A Mat LaMoyno.

Q Now your age? A 48 years old.

Q Your residence? A Argenta, my residence is.

Q How long have you resided in Argenta? A Been there ever since October 15, 1868, came there the 15th day of October, 1868.

Q Is that town known by any other name but Argenta? A No, now it is known as not as Argenta, it is in the ward now, it is the Eighth Ward.

Q Eighth ward of what? A Little Rock.

Q Mat, did you ever know a colored man down there in Argenta, when it was Argenta, by the name of George W. McKamy? A Yes, sir.

Q Have you seen that man since you came up here? A Yes, sir.

Q Do you know what name he goes by up here? A No, sir, I don't know what name he goes by.

Q He talk to you this morning? A No, sir, he haven't said a word to me, I haven't spoke to him.

Q Did you ever know him by any other name in Argenta but George McKamy? A No, sir.

Q About how long ago did you get acquainted with him, as near as you can remember? A It was in '72, either the first part of latter part of '72 I got acquainted with him; he lived in adjoining yards right with me and my father.

Q Did he ever occupy any official position down there? A Yes sir.

Q What was that? A Constable.

Q Was you acquainted with him before he was appointed constable or after he was appointed constable? A Before he was appointed constable.

Q About how long before? A I think his appointment was about in '73 sometime, he came to live there in adjoining yards with us in '72, the latter part of that, and shortly after that he was appointed, I think was when.

Q Did you ever have any conversation with him, or hear any conversation with him, with reference to where he came from when he came to Argenta? A No, sir, I heard him tell --

Mr. Faulds: I object to that.

A I never heard him say where he came from before he came there.

Q Do you remember anything about a war down there, known as the Brooks-Baxter war? A Yes, sir.

Q When did that take place? A That was in '74, along in '74.

Q Was that after George was appointed constable, or before?

A Before; after he was appointed constable.

Q He was acting constable before the war? A Before the Brooks-Baxter war, yes, sir.

Q And you think that war was in '74? A Yes, sir.

Q Now then, about how long did he stay there after the war; do you remember when he left? A After the Brooks-Baxter war, no, sir, I can't designate how long he stayed there.

Q Did he stay there any time, to your knowledge? A Yes, sir, after the war he stayed there sometime.

Q Do you remember any circumstance connected with his leaving, or anything that caused you to know anything about his leaving? A Yes, sir, I believe I can state this; that he lived right there after that at his mother-in-law, Aunt Sarah Roach was his mother-in-law, and along about that time he was talking about leaving and sent for her son to come and assist the old lady because he was going to leave.

Q What was his son's name? A Ed Roach was the son's name.

Q You know his family? A Yes, sir, I played with them.

Q Did he have his family there with him in Argenta? A Yes, sir.

Q About what constituted the members of his family, as near as you can come? A He had two sons and a daughter, one daughter died there

Almyra she was there, McKamy was her name.

Q Do you remember the other ~~maximus~~ daughters name? A Let's see, the other one's name, I can't exactly remember the other one's name.

Q What was the sons named? A Jim and Newt.

Q Do you know where Jim is now? A Yes, sir.

Q Where is Jim? A Down there right in Little Rock.

Q About how long has Jim lived there? A Jim has been living there about a year, nearly a year since he has been back; Jim has been away some time.

Mr. Faulds: I object to that, it is immaterial in this case.

Mr. Faulds: Are not constables elected over there now? A Now you mean?

Q Yes? A Yes, sir.

Q They run for that position and are voted for? A Yes, sir.

Q That has been the practice ever since the Brooks-Baxter war?

A Yes, sir, I believe it has.

Q But at the time of this war they were appointed by the Governor; Governor Hadley appointed a number of men to act as constables? A Yes, well McKamy was appointed there.

Q That is, he was appointed by Governor Hadley; well you say he just came there and then he began to act as constable? A No, sir, I didn't say he just came there.

Q Well, how long was he there? A I can't just designate the time he was, but it was something, let's see, something over a year, something more or less that he was been there, but I don't know just exactly the time, I can't tell.

Q Did you ever see him doing any work there, besides act as constable? A Yes, sir, he run a little eating house there; he never was much of a man for working.

Q Never was much of a man to work? A He was a pretty sharp man, had other ways of living I suppose; he run an eating house there.

Q Was that the time he acted as constable too? A Well he run a little sheebang during the time he was constable.

Q Did you ever eat there? A I don't remember eating any means there at all, I didn't eat there, I had a home.

Q He was carrying on a thriving business, acting as constable and running an eating house? A I suppose that is what he was doing, running a little house or something.

Q You live over there now, do you? A Yes, sir.

Q Ever get into any trouble over there? A No, sir, I haven't been in any serious trouble any time.

Q Been arrested? A Let's see; no, sir, I have never been arrested since I have been in there, I don't think.

Q Before you came in there? A No, sir.

Q Never arrested in your life; now tell the truth? A Let's see if I ever been arrested; I don't think I was only the muling there they made once in the past, my father had it done, tried me for not working the roads, public roads.

Q You were lazy, weren't you? A No, I didn't want to work and I didn't suppose they would make me work, but they did make me.

Q How old did you say you were, 48? A Yes, sir, I am going on 48, in my 48th year.

Q Were you married when McKamy was there as constable? A No, sir.

Q What makes you appoint abt year 1872, what makes you put it at that year? A That was the time we lived there on the place, we were living at the King place.

Q You say you think it was that year? A Well, I know it is the year we lived there, I know that was the time, the first time I got acquainted with him.

Q Can you read and write? A Yes, sir.

Q Did you see much of him after he quit that position of constable?

A That do you mean see much of him?

Q Did you see him around there? A Oh yes, sir, I seen him several

times, at his house several times.

Q How long afterwards do you say he went away? A I don't know, I can't designate the time he left there.

CHARLES TOLLIVER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age, and place of residence?

A Charles Tolliver: 47 years of age; live at North Little Rock, Argenta, used to be.

Q How long have you lived in North Little Rock? A Ever since '69.

Q Since you have been living in Little Rock, or Argenta as it was some years ago, did you ever know a man by the name of George W. McKamy, a colored man? A George McKamy, yes, sir.

Q About when, as near as you can remember, did you get acquainted with him? A Well, they emigrated a great deal here from Alabama, came here, about four or five hundred colored people, and he came along about that time, about '71 or '2, along about that time.

Q Did you ever hear him say where he came from when he came there?

A He used to be a constable, and he is a great man for roughness, and he was a great man for imposition,, and he used to speak to a man and say, don't bother South Carolina, or North Carolina, and put his hand back of his coat and show his gun.

Q He left it to be understood he came from there - - -

Mr. Faulda: I object to that.

Q - - in that country where they made men stand around with their guns? A Yes, sir.

Q Did he occupy any official position down there? A He did, yes, sir.

Q What was he known as? A Constable.

Q Do you know what the name of the township was, the name it was known by at that time? A Well, it was Eastman township, it stands that way I suppose.

Q Now, did you know him before he appointed constable, or after he was appointed constable? A That was before he was appointed.

Q About how long before he was appointed constable did you get acquainted with him? A Before Brooks-Baxter war I think he was arresting people around there and beating up people.

Q I am speaking with reference to his being constable, or acting constable? A He was acting constable at the time.

Q He had his family there? A Yes, sir.

Q What was his boys name? A Jim McKamy and Newt, and I have forgot the rest of the children, he had some grandchildren, and one drank some whiskey and died; he lived there above Mat LalMoyné and McNeal lived on the other side of him.

Q Do you know anything about his son now, where he is? Newt?

A He is in Texarkanna, somewhere around in there.

Q Do you know where Jim is? A Lives in Argenta.

Q Does his family live there? A Just married about a month or two ago, yes, sir.

Q When was the Brooks-Baxter war? A In the spring of '74.

Q Was McKamy there after the Brooks-Baxter war? A I don't know how long he was there, he had to run away from there, though, and I think it was in '75.

Q What did he run away for? A I don't know, they got after him and run him away.

Q Did you ever know him in Argenta by any other name other than George W. McKamy? A Never did know nothing but George McKamy.

Q When did you first learn that he ever had any other name? A I was in Indian Territory, and he was living there.

Q When was that? A It was in '93, I lived here three years and six months.

Q Were you up in this country yourself? A Yes, sir.

Q At what point? A Fort Smith

Q You found then he went by another name? A Yes, sir.

Q Did you learn what that name was? A Vann, or something.

Q Have you seen the man, since you came here, that was known as George McKamy in Argenta? A Yes, sir, I saw him this morning, some great big black fellow, and he has got a son the same size he is.

Q And the same man you know down there that acted as constable?

A Yes, sir.

Q And that was before the Brooks-Baxter was that he acted down there?

Mr. Faulds: He didn't say that.

A In '74 when I first knew him being a constable.

Q Did you now say you knew him when he was appointed constable?

A I didn't say I knew him before he was appointed constable.

Mr. Faulds: He was acting as constable when you first knew him, got acquainted with him, McKamy was acting as constable when you first got acquainted with him? A How could he be, he wasn't no constable then; how could he be constable in '71 or '72, how could he be a constable then.

Q You lived in Little Rock since '69? A That is right, yes.

Q How old were you when you went there? A I don't have any limit of that at all, I didn't tell that.

Q Well, how old are you now? A I told you I was 47.

Q How old would you be when you went there? A You can figure it up there.

Q You can't figure it out? A You can figure it out too can't you?

Q Well, if I took the time? A Well, that is your business; I told you I am 47 and you can figure it out.

Q Do you know when the war between the United States and the Confederacy broke out? A No more than what I have seen folks there that was in time of the war, at my mistress's house.

Q What year was it the war started out? A I can't figure it out, I know they were there during the war, at my place.

Q Do you know when the war started? A They say it started in '61, I don't know when it started.

Q When did it end? A I don't know, I can't tell you.

Q You don't know that? A Some folks say it ended about '65, I don't know, I am not looking at them things at all.

Q Tell how long did you know McKamy over there? A Well you can count up from '71 or '72 to '74, you can tell when that was.

Q He left there in '74 did he? A Somewhere in '74 or '75 he run away from there, I don't know how he got away.

Q You say it was sometime in '72, '74 or '75 he went away? A No, sir, I didn't say that, I say between '74 and '75 after the Brooks Baxter war ~~first~~ these fellows got after him and was going to kill him.

Q Did he leave there right after the Brooks-Baxter war? A Yes, sir.

Q Were you well acquainted with him over there: did you visit his place? A I told you I stayed around his house, I played with his children, I guess I did, I stayed there with them and played with them all the time.

Q Do you elect your constables over there now? A I don't know how these white folks do.

Q You are living over there now? A There is no negroes over there now, there are all white folks, they do as they please.

Q They elect them? A I don't know, the way is in the place.

Q Don't you have any elections over there? A I don't know anything about that.

Q Do they elect the white people? A I guess they do, nominate them or something.

Q Do you ever vote there? A Didn't I tell you they don't allow anything like that; they put them in some way, they appoint them.

Q They treat you colored people badly over there. Did you ever vote over there yourself? A I have voted over there, for President.



Q Don't vote for anything else but President? A No need to vote for anything else but President.

Commission (to stenographer): Don't put all these material questions down.

Mr. Davenport: Do you know Annie Green? A That is my sister in law.

Q Did you know her at the time she had the trouble with her husband down there? A Yes, sir.

Q What year was that? A I don't know, it was in '86 or '7 somewhere in there.

Q Was George McKamy acting constable at that time? A No, sir.

Q Do you know what her name is now? A Annie Green.

Q Do you know of her having any trouble there in Argenta and being arrested and accused of killing her husband other than that time?

A No, sir, she has never killed anyone but that one.

Q Was she ever accused of killing anyone but that? A No, sir, she come clear of that one.

FANNIE WOODMAN, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence?

A FANNIE WOODMAN.

Q How your age and place of residence? A I live in Argenta.

Q How old are you? A About 45.

Q What name is Argenta known by now, if any other than Argenta?

A Part of it is called North Little Rock, and the place I live in is not incorporated, it is called Military Heights.

Q How long have you lived in Argenta and near Argenta? A I have lived right around in Argenta and near Argenta, I was raised there.

Q Well, since you have been big enough to recollect, did you ever know a colored man down there named George McKamy? A Yes, sir.

Q About how long have you known him? A I have been knowing George McKamy quite a while, a great while.

Q Did you ever know him by any other name than George W. McKamy, or George McKamy? A No, sir.

Q Have you seen that man since you came up here? A Yes, sir, several times since I have been here.

Q Is he the same man you know down there as George W. McKamy?

A Yes, sir.

Q Do you know what name he is going by now? A I have heard several times since I have been up here.

Q Is it represented to you that he goes by the name of George W. Van up here? A Yes, sir.

Q Have you seen that man this morning? A Yes, sir, I saw him several times this morning; when I was up here this morning he was was there under the tree with his little black grip sack.

Q Did he ever hold any official position down there? A Yes, sir, he was constable down there.

Q Do you remember the township or not, or what it was called?

A No, sir, it is called -

Q How long did you know him, if at all, before he was acting constable? A Yes, sir, I knew him a while before he was acting constable.

Q About how long? A About the rise of the year I suppose, something like along in there.

Q Something like a year? A Yes, sir, something like that.

Q Do you know what was known and called in your country about the Brooks-Baxter war? A Yes, sir.

Q Was George McKamy acting constable before the Brooks-Baxter war broke out? A Yes, sir, he was a constable before the Brooks-Baxter war.

Q Do you remember about what year the Brooks-Baxter war broke out?

A No, sir, I don't remember the year.

Q You had known him something like a year before he was appointed constable? A Yes, sir.

Q And he was acting constable before the war broke out? A Yes, sir, was acting constable before the war broke out.

Q About how many years altogether, from the first you got acquainted with him, did you know him, till he left Argenta? A In all till he left Argenta, as high as three or four years anyway, I suppose.

Q Did he make any crops or work around Argenta? A Yes, sir, he made two or three crops around there.

Q Had he made any crops before the Brooks-Baxter war, do you know?

A Yes, sir, before the Brooks-Baxter war.

Mr. Faulds: That is a leading question.

Q Near whom did he live when he was living in Argenta, if you remember the names of the families? A He lived a good while, I can't say how long, by the side of Mat LaMoyné.

Q That the gentleman who testified a while ago? A Yes, sir; and then he lived a good while by Mandy Yarbrough.

Q Now what relation is Mandy Yarbrough to Annie Green now, who was formerly Annie Greer, if she is any? A She is her mother.

Q Did you know George W. McKamy's family when they lived in Argenta?

A Yes, sir, I was very well acquainted with his wife, his mother-in-law, his brother-in-law, and knew the children, some of the children I knew the names; now it has been so long I can't call all the children's names.

Q What was some of the children's names you remember? A He had a boy named Jim McKamy, and he had another Luke, and he had a girl named Mary Jane, and his wife was Mary Jane.

A Did he have any other girls, you remember? A Yes, sir, one or two, and I disremember the names.

Q Do you know where Jim McKamy and his family reside? A About a mile or a mile and a half from me in Argenta.

Mr. Faulds: Did you ever apply to be enrolled as a Cherokee Freedman? A Did I ever? no, sir.

Q You are a colored woman, aren't you? A Yes, sir, I am a colored woman.

Q Were you well acquainted with old George over there? A George McKamy; yes, sir, I was pretty well acquainted with him.

Q Were you married at the time you knew him? A Yes, sir. ~~xxxx~~

Q When, before this disturbance first started, before this Brooks-Baxter war? A Well now I can't tell you anything about the starting of that, I only aim to tell you the truth.

Q How long did it continue? A You may be sure a woman can't really tell you how long it continued, because time of the shooting a woman would be some other place.

Q Any actual fighting over there? A Yes, sir, a good deal of shooting.

Q Was anybody killed? A Yes, sir, I always heard someone got killed, not that I saw them.

Q There was a great deal of disturbance, great deal of talk about the war? A Yes, sir, there was a good deal of talk when the two men Brooks and Baxter, this one wanted the seat and the other wanted the seat, and there was a great deal of talk in that direction.

Q It was during this talk that McKamy began to act as constable, wasn't it? A During this talk he began to act as constable?

Q This talk about having trouble between these two men? A Well I don't know, I can't say; I don't know whether the time of this great talk was about the war or not.

Q How long did he get there as constable? A Well, I don't know, he

acted some little time, I don't know, I can't really say, not expecting anything like this kind would ever come up.

Q Did you ever know McKamy before you saw him there? A Before I saw him in Argenta, no, sir, never till I saw him in Argenta.

Q He went away from there, did he? A Yes, sir, he run - he went away from there.

Q You remember the date he went away? A No, sir, I don't know anything about the date that he went away only I know when the great talk was he had run away from there.

Q What did he run away from there for? A I don't really know what it was he run off for, but I know he run away and slipped back in there to get his family.

Q You ever seen his wife since she left there? A No, sir, never seen her since she left there; since she left there, I heard him come in on an excursion and they passed my house, but I never saw him, and I spoke and says, there goes Mrs. McKamy, but I didn't speak to her.

Q When this Brooks-Baxter was war ever did they elect their constables, or appoint them, do you know that? A No, sir, only I know when the constables would come out like that, and they would say so and so is constable.

Q They don't allow you to vote down there? A No, sir, they don't allow us to have anything to do with politics, and I have less to do than anyone.

Q You don't know how many years McKamy stayed there? A No, sir, but I know he was there some time, between two and three years, he made two or three crops there and you can't make two or three crops in one year.

Q He made a crop at the same time he was acting as constable?

A I don't know whether he did, don't know whether he was acting as constable and making a crop.

Q You can't swear he wasn't making a crop at the time he was acting as constable, or having others to make a crop for him? A I don't know whether he was making a crop or not.

Mr. Davenport: I don't know whether I understood you when you answered Mr. Faulds' question as to whether or not you were married when you got acquainted with McKamy? A I remember him after I was married and I told him yesterday.

Q Do you mean by that you were married when you first knew McKamy's family? A No, sir, when I first knew McKamy's family I wasn't married then.

J. J. BEAVERS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name, age and place of residence? A My name is J. J. Beavers; 45 years old, and I am now residing at Muskogee, Indian Territory.

Q Where did you formerly live before going to Muskogee? A I lived at Benton, Arkansas.

Q How long did you live in the State of Arkansas before going to Muskogee? A All my life.

Q You were living in the State of Arkansas then at the breaking out of what was known as the Brooks-Baxter war? A Yes, sir.

Q I wish you would state to us as near as you can, the date of the Brooks Baxter war? A I don't know the exact date, of course; it was sometime in the spring of 1874.

Mr. Faulds: You say the actual fighting began in the spring of 1874? A Yes, sir.

Q There was a great disturbance before that, and talk of a conflict? A No, sir, the writ of quoter there that Brodgs obtained against Baxter came as a thunder clap; nobody was expecting it at all.

wasn't and there were others at my town were not expecting it at all.

Q Well this suit had been brought and there must have been some connection when this suit was first begun? A Well, I am only speaking from information as to what I know as to how that matter went along, I know from information how the matter went along, but of course I wasn't present when the suit was begun or anything of that kind.

Q How far is this place, Benton, from Little Rock? A 23 miles.

Q Do you know whether they elected their constables over there or appointed them? A Now?

Q Yes? A They elect them, since the constitution of 1874, which was adopted in the fall of '74, and before that they were appointed.

Q And before that they were appointed you say? A Yes, sir.

Q And ever since '74 they have been elected? A Yes, sir; of course when there are vacancies they are appointed; that amendment was adopted to the constitution of our state two or four years ago, so that they are now appointed when there is a vacancy.

Mr. Davenport: From the war up to 1874, the adoption of the constitution, they were appointed constables? A Yes, sir, that is my understanding.

Q Was there or was there not any demonstration of war between the Brooks party and the Baxter party in the State of Arkansas, until after Judge Whitcomb issued the writ of ouster against Elisha Baxter?

A It wasn't Whitcomb, it was Whylock; not, sir, not to my knowledge, I was in that one right straight and I expect I would have been in it if there had been one; of course I can give my understanding of how I understood the matter was to be determined, but that probably wouldn't be competent.

AMANDA YARBROUGH, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Davenport: State your name? A Amanda Yarbrough.

Q Where do you reside? A Willis Street, North Van Buren, in Argenta, No. 700.

Q How old are you? A I put myself to be 54 or 55.

Q Don't exactly know how old you are? A No, sir, I don't exactly know.

Q How long have you resided in Argenta, or North Little Rock?

A Well, it is all the same, it is in Argenta.

Q How long have you lived there? A I can't tell you exactly how many years I have; at the old home place where I am living, I have been living there 23 or 22 years, where my husband died and left me.

Q Did you live at any other place in Argenta before you moved to the place you are now living? A Yes, sir, I lived down on the river near the school house when I first settled in Argenta.

Q When you first lived on the river at the school house, did any colored man by the name of George W. McKamy live near you? A Yes, sir.

Q About when was it you lived down on the river there, about how many years ago? A Well, it has been something in the neighborhood of where I tell you, I moved from there right up there to the crossing and made a crop there, right there, and I moved from the crossing right at the old home place.

Q Did this man George W. McKamy, that lived near you, ever occupy any official position in Argenta, or North Little Rock? A Yes, sir, he was a constable, and then he run a kinder saloon in Argenta.

Q Did you get acquainted with him before he was constable? A Lord, yes sir.

Q How long had you known him before he was appointed constable?

A It was several years, I guess, I can't designate the years.

Q What, if anything, in the way of labor, did he do before he was appointed constable? A He made I think two or three crops.

Q On whose place did he make a crop? A I can't tell the man's

name, it was an old settler near the Choctaw depot.

Q You knew him then sometime before he was appointed constable?

A Yes, sir.

Q Can you remember when the Brooks-Baxter war came on? A Yes, sir, a little bit, I can't remember what year, I think it was '74, in the spring.

Q Was George W. McKamy acting as constable before the war? A Yes, sir.

Q How long did he stay there, do you know, after the Brooks-Baxter war? A I can't testinate the time, but he didn't leave there till after the war.

Q Did you ever have a conversation with George McKamy, or hear him have any conversation with anyone else in your present, as to where he came from when he moved to Argenta? A Yes, sir.

Q Where did he say he came from? A From Alabama, from Stevenson, Alabama, and Roach Cay, he has got a brother-in-law down there now.

Q What is the name of his brother? A Ed Roach.

Q Did you know George W. McKamy's family? A Mary Jane?

Q I don't know which one? A Well, that is his wife, old Aunt Sallie Roach's daughter.

Q Did he have any children? A Yes, sir, has Jim and one named Mary Jane, and one named Almyra, and Newt, had two grandchildren there.

Q Well, have you seen the man since you came up here that was known there as George W. McKamy? A I seen him this morning.

Q Is that the gentleman sitting behind you (indicating)? A Yes, sir, he was down at my house not long ago.

Q What was it you said about his being at your house not long ago?

A When he was at my house, he was down I suppose, I don't know his business, but he called there I know.

Q When was it he called? A It was in this month I think.

Q The last few weeks? A Yes, sir, it hasn't been over three weeks; in this month or the last of last month when he was at my house on a Sunday morning, him and his oldest son.

Q What is his son's name? A Jim!

Q Where is Jim living? A I don't know where Jim is living at, but Jim came up the road last Friday night or Saturday night.

Q Where had he been living prior to that time? A Right there.

Q In what country? A Right there close to me.

Q In Little Rock? A No, sir, Argenta, I don't live in Little Rock, north of Little Rock, the river divides us.

Q Did you ever know George W. McKamy, or the man known as McKamy, by any other name? A No, sir, when he came from Alabama he came there as George W. McKamy.

Q What was he when he lived there? A That was what he was, McKamy.

Q When he came to your house three or four weeks ago, what name was he going by? A I called him McKamy like I always did.

Q Did he say anything about his name being changed? A No, sir.

Q Have you heard since you came up here about his name being changed? A Yes, sir, I got in an argument with some ladies up here.

Q What name did you hear he was known by up here? A George Vann, that was a strange name to me, I didn't know him as that.

Q Have you a daughter named Annie? A Yes, sir.

Q Was she known at one time as Annie Green? A Yes, sir.

Q What is her name now? A Green.

Q She had some trouble with her husband once? A Yes, sir, and killed him too.

Q Can you tell that year? A No, sir.

Q Who was acting constable of the township at that time? A Mr. Doty and Mr. Rube Payne; he is our doors now.

Q Do you know who made the arrest in that case? A Yes, sir, Mr. Doty and Mr. Rube Payne I told you.

Q Did George McKamy have anything to do with it? A No, sir, he wasn't there, there ain't no use talking that way, he wasn't there, he

had done left there after the Brooks and Baxter war, I told you.

Q What he was down there the other week, was anything said about his claim up here for citizenship, as a freedman of the Cherokee Nation, did he say anything about that? A He said a little about it, talked to somebody else, said he had 100 acres of the best land up here, and I thought if they gave him that much that they ought to give me a little, because I am a poor widow woman.

Mr. Faulda: Did you ever apply to be enrolled as a Cherokee Freedman? A I don't know how.

Q Don't know how? A No, sir.

Q Your daughter Annie applied, didn't she? A I don't know what she done, I haven't been up here to see her, I haven't seen her in ten years before Wednesday morning.

Q She always claimed to be a Cherokee Freedman? A I don't know what she is, I know what I am.

Q You are colored? A Yes, sir, born colored and never changed.

Q You were born in Tennessee? A Yes, sir, and at Anderson Station, ten miles above Stevenson, Alabama; old John Anderson.

Q When did you come to this country? A Mister, it has been so long I just can't tell you, I have been here for a time.

Q Did you come here before the war? A I came here since I have been freed, I never come here before any war, I never left home because I was afraid I would starve to death.

Q You came here after the war between the Confederacy and the United States?

Mr. Davenport: I would suggest you state she came to Arkansas.

Q You came to Arkansas from Tennessee after the war? A Yes, sir.

Q How long after the war? A I can't designate the years after the war, but I came here after the war, my father was the cause of my coming here, leaving home.

Q Was that five or six years after the war? A Yes, sir, somewhere along there.

Q Ten years after the war? A I can't tell you how many years after the war.

Q You have no idea how many years it was? A No, sir, I can't.

Q Might be ten years? A Yes, sir, and might have been longer, I can't tell you.

Q Probably longer than ten years? A I can't tell you how long it was, I didn't come here to tell any tale, I came here to tell the truth.

Q There was the first place you ever saw McKamy? A In Argenta.

Q That is the first you ever saw him? A He come there to his mother-in-law's.

Q His mother-in-law was living there? A Yes, sir, lived right near me, right over neighbors to me, and Nat Lemoyne and Ed Kirby, and McKamy lived on the back and I lived on this corner near the school house, there he settled when he first come to Argenta.

Q Do you know what year that was in? A No, sir.

Q You don't know what year it was you saw him there in Argenta the first time? A No, sir, it was long before the war though, Brooks and Baxter war, and he left there after that. Yes he will tell you he lived right there by my poor neighbors, his children and mine played together; when I come here I didn't bring but three children, neither.

Q How old is Annie? A She can tell you, her record is right at home, the youngest is 67, grand old, he was 8 months old when I come to this country.

Q Did George McKamy, or George Vann, marry his wife in Alabama?

A Mary Jane he did, yes sir, he brought Mary Jane to Argenta.

Q Went over there to get married and brought her to Argenta? A I don't know anything about going to get married, he didn't go over there, he was over there.

Q You see them start from Alabama? A No, sir, his brother-in-law --  
Q I am asking you about what you know? A I never saw him, I saw him after he moved there before he brought this wife with him, he brought Mary Jane with him to Argenta.

Q Did you ever see him before he brought his wife there? A No, sir, I never seed him that I know of.

Q Now when did he bring his wife there? A He brought his wife there when he came himself; I can't tell you when he came there, but he lived there, he lived there with the same wife, Mary Jane, that is all the wife I ever knew him to have.

Q Were these crops he was making in the Cherokee Nation? A I never said no Cherokee Nation, I don't know anything about no Cherokee Nation; don't ask me that I can't know.

Q Was he making crops over there at the time he was acting as constable? A He was in Argenta when he was acting as constable.

Q I say, was he making crops? A He was running kinder of a restaurant.

Q Wasn't he ~~kind of~~ <sup>justice</sup> justice of the peace? A Henry Sutton and Squire Glass was ~~kind of~~ <sup>justice</sup> justice of the peace.

Q Wasn't George McKamy acting as justice of the peace over there?

A I don't know anything about the justice of the peace, he was acting as constable, him and Charlie Humphreys.

Q Your daughter Annie Green swore he was acting as Justice of the Peace in Argenta? A He was constable, I know that, Henry Sutton was justice of the peace; McKamy went out and arrested people.

Q After McKamy went out, did you ever see him back? A Yes, sir, he was down there not long ago.

Q Did you ever see him there in '85 and '8? A I don't know sir whether he was there or not, I don't remember it.

Q Ever come around and talk to you? A No, sir, the first time I saw him to talk to him he came down there a few weeks ago.

Q Didn't McKamy come down there and move his mother-in-law, Sallie Roach, up here in the Cherokee Nation? A McKamy was kinder scared to come down there, for some cause.

Q Answer the question? A I never seed him come down there and move her up here.

Q Do you know Sallie Roach? A She is dead, I can't know the dead.

Q Where did she die? A They say she died up here at George McKamy's house.

Q When did she leave there? A I don't know, I think he sent for her and her brother-in-law put her on and sent her up here to Fort Smith, I don't know that.

Q How many years ago was it she left there? A I don't know.

Q 15 years ago? A I don't know, I can't tell you.

Q You want to get on the roll and get 160 acres of land? A If you are going to give it to me, I will take it.

Q You think you are entitled to it? A I am entitled to all I can work for and that I can hold a claim to.

J. H. BOWERS, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. H. Bowers.

Q What is your age? A 65.

Q Where do you live? A Muldrow, Indian Territory.

Q Mr. Bowers, how far is Muldrow from Fort Smith, Arkansas? A Well it is about, at least 12 miles and a half.

Q It is west, or a little north of west? A Fort Smith is nearly east of Muldrow.

Q How long have you lived in the section of the country between Muldrow and Fort Smith, Arkansas? A 34 years.

Q And you came there the next year, about two years after the war, in '67? A Yes, sir.

Q Where did you first locate, Mr. Bowers, when you first came there? A Right on the river bank opposite Fort Smith.

Q On the Cherokee Nation side? A Cherokee side.

Q What did you do for the first few years after the war? A Well, I was farming part of the time and was deputy marshal; that is, farming on a small scale and deputy marshal for about six years.

Q When did you move up above there; didn't you keep a boarding house up about half way between? A In '75 I moved up about nine miles west of Fort Smith on the Muskogee and Fort Smith wagon road, the stage road, called the Nine Mile House.

Q Prior to that time, from '67 to '74 or '8 you lived between the Nine Mile House and Fort Smith? A I lived in the river bottom about between four and five miles above Fort Smith.

Mr. Faulds: I object to this testimony on the ground that this witness has already testified to the same effect.

Mr. Hawkins: I don't reckon you know what was are going to bring out.

Commission: The objection will be noted and the witness permitted to answer the questions.

Q State whether or not you enjoyed an extensive acquaintance with the people around in that section of the country ~~between~~ for the six, eight, or ten years after the war? A Yes, sir, I did.

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

Q Did you ever know him by any other name? A No; from what I have heard, he had another name; I didn't know him by any other name only George Vann.

Q How far does he live from you now? A He lives about eight miles

Q How far does he live from that place, that Nine Mile House that you used to keep? A He didn't live in that country when I used to live at the Nine Mile House.

Q I mean how far does he live from that house now, set then?

A About six miles, or seven, when I became acquainted with him.

Q When did you first become acquainted with him? A Nine miles, it is eight miles.

Q I mean now; the question is, when did you first know George Vann, when did you first see him? A About '77 or '8; '77 I think it was.

Q You lived in that neighborhood from '67 to '77 did you? A Yes, in that part of the country.

Q State whether or not you knew all the darkies in that country between '67 and '77?

Mr. Faulds: I object to the question as leading.

Commission: Let him answer the questions; the objection will be noted.

A I know every colored man in that country down in that river bottom at that time, down from '67 to '75.

Q State whether or not this George V. Vann lived in that country between those dates? A I never knew him, never saw him there in that part of the country there during that time.

Q Was the country thickly settled at that time, Mr. Bowers? A No, very thinly settled.

Q State whether or not people noticed about strangers coming in there were they do not?

Mr. Paul: I object to such a question as that; what need he know about it.

Commission: The objection will be noted; let the question be answered.

Q State whether or not the people noticed the coming of strangers were they do not? A They knew right off at that time of the coming in of strangers; there were some for white people in that



country at that time, and what colored people were in there at that time were Cherokee freedmen, and belonged in there.

Q Could this man George W. Vann lived there for ten years in that neighborhood without your knowing it? A No, sir, he couldn't.

Mr. Paulds: When did you say he came there? A In '67.

Q Where did you come from? A Lived over in Fort Smith

Q Came from Fort Smith over there in '67? A Yes, sir.

Q How long did you live at Fort Smith? A About a year and a half.

Q Just before you came over there to Muldrow? A Yes, sir.

Q Where did you come from to Fort Smith? A From Kansas City, in '66.

Q Came from Kansas City in '66? A Yes, sir.

Q Had you ever been in Fort Smith before you came there that time?

A Yes, sir, I was there during the war, I was a soldier.

Q What was your occupation in Fort Smith; deputy marshal? A No, not that time when I lived there, I was working for the government.

Q What occupation, what capacity were you working for the government? A Well I drove a six mule team a while, drove an eight mule team, and then I was made time keeper in the machine shop there of all the laborers and mechanics; that is the last job I had under the government.

Q You know all the colored people that came into Fort Smith at the time you were living there? A No, sir, I did not.

Q Do you know whether or not McKamy was a cook on the boat that carried soldiers up here in Fort Gibson time of the war? A No, sir, don't know anything about it, never heard about it.

Q Well, you testified before in this case, didn't you? A Yes, sir.

Q Just to those same facts? A Near the same.

Q You are here to swear the same thing over again, to make it all the stronger? A (No response.)

Q You say it was '72 you first got acquainted with McKamy? A When I first got acquainted with him was '77.

Q What was he doing then? A I don't know what he was doing then, he was down in the bottom doing something, I don't know what he was doing, I saw him there at the landing opposite Fort Smith.

Q Was't doing anything at all? A I don't know what he was doing.

Q What was his name, George Vann or McKamy? A I always heard him called George Vann.

Q Right there at the landing at Fort Smith? A Opposite Fort Smith, what we call the landing is the ferry landing on the Cherokee side.

Q Was he dressed up as a preacher or doctor or farmer? A I don't know whether he was dressed up as a farmer or preacher; I can't say, I saw him there talking around there.

Q You knew him to be a preacher down there? A I have heard it said he was a preacher, I don't know it.

Q Well, you married a Cherokee Indian yourself, didn't you? A Yes, sir.

Q And she died? A Yes, sir.

Q Did you marry again? A Yes, sir.

Q Married a white woman? A Yes, sir.

Q And you are claiming citizenship still, aren't you? A Well, I haven't set up any claim to citizenship.

Q You intend to? A I don't know what I intend to do.

Mr. Hastings: You are not trying his case.

Mr. Paulds: Didn't you tell me the other time that you were a citizen of the Cherokee Nation? A No, sir.

Conclusion: I don't think that should go in the record,

we are not trying his case, as Mr. Hastings said.

Q Didn't you say in your testimony before you were a citizen?

A No, sir, I did not.

Mr. Hastings: What official position do you hold now, if any?

A Postmaster at Muldrow.

Q Been postmaster there once before? A Postmaster under the late administration four years, and going on five now under the

Present administration.

Mr. Faulder: I object to this testimony, on the ground that the witness was called to testify to the same facts he testified to last spring.

Mr. Hastings: The attorneys for the Cherokee Nation desire to serve notice on the applicant and his attorney that additional testimony on behalf of the Cherokee Nation will be taken before the Commission on to-morrow, September 12, between the hours of eight o'clock, A. M., and five o'clock, P. M.

Mr. Faulder: Well we might offer some. I give notice that we will offer some testimony to-witness on the part of the applicant.

Mr. Faulder: The applicant offers in testimony the judgment of the United States Court at Fort Smith, Arkansas, Judge Parker presiding, in which George W. Vann was charged with cutting timber on Indian lands, and it became material to know whether or not he was a Cherokee citizen.

Mr. Hastings: You are making an argument; state what you offer and leave that out about the argument, and argue that later.

Commission: State briefly what you wish to offer.

Mr. Faulder: We offer the record of the said court. The judgment is dated January 10, 1886, the record of the court holding that George W. Vann is a citizen of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation objects to the introduction of the record, because the same was not made and the Cherokee Nation was not a party to it.

Commission: The objection is noted and the document will be filed.

Mr. Faulder: I desire to state that this judgment is evidence on two grounds, first - -

Mr. Hastings: I will object so that the record should be unsworn to with it.

George C. Jones, being duly sworn, says that as stated earlier 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.

*George C. Jones*

Done at and the above signed before me this 11th day of September, 1901.

*M. D. Green*  
*MP*

RECORDED

Expl. C.F.-D.#116.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
George W. Vann, et al., as Cherokee Freedmen, the following tes-  
timony is introduced on the part of the Cherokee Nation.

APPEARANCES:

Applicant present in person and by Attorney J. F.  
Faulstich;  
W. W. Hastings, Attorney for Cherokee Nation.

DELIA A. BREWER, being duly sworn by Commissioner Need-  
les, testified as follows: By Mr. Hastings:

- Q What is your name? A Delia A. Brewer.
- Q How old are you, Mrs. Brewer? A I am 57 years old, last Feb-  
ruary.
- Q What was your maiden name? A Delia A. Vann.
- Q What was your father's name? A Joseph Vann.
- Q Where did you live before the war? A I lived at Weathers Falls  
Canadian district.
- Q Is your father the same Vann that was blown up on a steam boat?  
A Yes, sir, he owned two steam boats.
- Q Where was he blown up? A Near Louisville on the Ohio river.
- Q You have some brothers and sisters? A I am all alone.
- Q I mean you did have? A Yes, sir, my mother had ten children.
- Q Did you have a brother by the name of Jim? A Yes, sir.
- Q Jim Vann? A Yes, sir.
- Q Was Jim Vann married? A Yes, sir, he married Araminta Ross.
- Q Where did Jim Vann live at the breaking out of the war? A I  
think he was living at Tahlequah.
- Q Was his wife living at that time? A Yes, sir.
- Q You were living at Weathers Falls? A Yes, sir.
- Q Were you married before the war? A Oh, yes, three children  
before the war.
- Q Had your brother, Jim Vann, any slaves that were freed?  
A Yes, sir.
- Q Do you remember their names? A I am so forgetful, I would know  
the names if they were called over, I remember the oldest negro  
woman named Hannah and Bill, but the children, I have forgotten  
the names. Yes, there was a child I owned a while, Jennie, and I  
think Emerson bought her.
- Q Do you know this applicant, over here who gives his name  
George V. Vann? A Is that his right there [referring to applicant]?  
Q Yes, Ma'am? A No, sir.
- Q Did he ever belong to your brother, Jim Vann? A I guess not,  
Bill and Hannah was the oldest darkeys they drew from our estate  
and of course he would be about the age of Bill, he claims to be  
George Washington.
- Q Yes Ma'am? A I told this court before that there was not but  
one George ever about our place, and I am the lady that owned him.
- Q You owned him? A Yes, sir, I freed him from the estate.
- Q What became of that George? A He was drowned up in Kansas, at  
his brother's told me.
- Q You know that that was not that same George? A No, because I  
do, you don't state to me that George?
- Q Well, you know that there is but one daughter that belonged to the  
Joe Vann estate? A No, Ma'am, I have Washington in his name at all  
he was a splendid fellow.

Q About how old was that George Vann when it war came up?

A He was about my age I guess.

Q Then if he was living now he would be about 67? A Between 60 and 70 somewhere, but Denial might know but they tell me he is dead, his brother.

Q When did you first see this man here? A I saw him here when I came to testify in his case before.

Q During the Kern-Clifton? A He was pointed out to me; he looks to me younger than he did then.

BY MR. FAULDS-

Q Where were you born, Mrs. Brewer? A I was born in Springplace, Mary County, Georgia, where the Georgians disposed the Cherokees in '34; is that explicit?

Q When did you emigrate to this country? A In '38.

Q When did your father emigrate here? A He did; I came with him; his darkies was brought down with a detachment of Cherokees. He was funny and would not let the Government feed them; he owned over a hundred.

Q You say your father owned a hundred slaves when he started from Georgia? A I didn't say he did then, but I knew about it when he died.

Q You say you were born in '34 and you came here in '39? A Yes, sir, I remembered it because I described the matters minutely to my mother and brothers and they claimed I remembered it very well; I know nothing about Georgia; we had to go to Tennessee.

Q Did he fetch all his slaves here when he came on the steam boat? A He didn't come on a steam boat, my father had a keel boat and we came on that.

Q You being only five years of age at that time, would you undertake to say how many slaves he brought with him to this country?

A No, sir, I will not.

Q It might have been 200? A No, sir; no George Washington case.

Q Well, I understand that some people say there were 175 slaves he owned, are you prepared to dispute that? A I think I can he sold some.

Q Well, the year 1830, was he dead then? A In 1830?

Q Yes? A My father was killed in '44, when I was ten years old the spring previous to his death.

Q Well, did you know how many slaves he had in '44 at the time of his death? A About ten hundred.

Q Well, he had a hundred then when he came here? A There was quite a number died after we came here to the Falls.

Q Did he buy any, acquire any? A Only what was born; no, he didn't buy any.

Q You were ten years of age when your father died? A Yes, sir; and that old fellow never saw him.

Q Well, you say you are pretty forgetful? A I am now, but I can remember things back then better than I could things that would happen now.

Q Your memory is not very good now? A No, sir.

Q Well, did you know the names of all the slaves he had at that time? Well, no, sometimes I never saw them for a year; there was what we called field darkies that never came to the house.

Q Some slaves you would not see for a year? A Yes, sir, sometimes it was a treat to go up in the town to SALLER'S; the houses was built one after another.

Q Some of these slaves were hired out, weren't they? A No, sir.

Q Some of them were hired out? A No, sir. They might have let some of the women go around to cook for other people when just for occupation.

Q Where were you living when the war broke out? A I was living on the place I am living on now.

Q Where is that? A It is seven miles, maybe eight, above Webbers Falls, right opposite Bluff Switch, in Canadian district, Cherokee Nation.

Q There was Jim Vann living at that time, your brother? A He didn't have any particular home, he was a lawyer, he batched at Tahlequah.

Q He didn't have any particular home at all? A Not then because he and his wife were separated.

Q Well, he didn't live at Tahlequah then when the war broke out? A I don't know but what he did.

Q You said he had no particular home, now which is true? A I meant he was not there much, he had his household goods there, he batched there with Tom Taylor, a lawyer he practiced with.

Q He was a race horse man wasn't he? A Not particularly.

Q Did you visit him much? A Not then.

Q Did you ever go to see him? A No, sir, not while he was at Tahlequah, but I was when he was living at Park Hill with his wife.

Q Then was he living with his wife? A That was previous to this time; he was, while I was a girl growing up.

Q Away back in the '40's? A Let's see I went to the Seminary; when did the Seminary open?

(Mr. Hastings answers 1850.)

Witness: Well, I was there in '51, '2 and '3.

Q Did Mayfield get part of the slaves after the steam boat was blown up that you speak of? A I think he maybe did get a family.

Q Did you know what slaves he got? A He, sir, I don't remember.

Q How many did he get? A I don't know; it maybe that he got some.

Q Do you know any of their names? A No, sir.

Q You say he owned a hundred slaves? A I could not swear that he did.

Q Well, how many names can you give me now of these slaves? A Of what slaves; that we owned?

Q Yes, that your father owned when he died? A I didn't want to take the trouble.

Q Well, give me the names? A There was some old Freedmen negroes.

Q Can you give me the names of ten? A Yes, sir, I can give the names of twenty.

Q Can you give the names of fifty? A No, sir, I don't know whether I can or not.

Q Can you describe these slaves, what they looked like, whether they were small or tall? A What a foolish question.

Commissioner: Say yes or no Mrs. Brewer? A Why, yes,

Mr. Gaulde: Go on and describe them? A There is some right there just about such looking ones as those.

Q Are these some of them? A Yes, there is some right there.

Q Are these old Joe Vann's slaves, these men right here?

A Why, I don't know but they are.

Q I asked you to describe some of old Joe Vann's slaves? A I told you they would some of them pretty much to say they looked about like these.

Q I say you can't tell one negro from another then? A Why, I can when I know them; if I know I would have been cross-questioned I could not have come.

Q You say you were ten years of age when your father died; now you can't pretend to tell what slaves he had at that time and what their names were? A I knew he didn't have but one George.

Q I am not asking you that question, you saw you were ten years old when your father died; if you can tell some of the names of these slaves and describe them to me so that any of them were to be brought here, if you would know them? A Would you know any one you saw at that time?

Q You say that that you would not know? A I think I could know some of them.

Q How many slaves did you get for your share? A I think we got about seven apiece.

Q You got seven? A Yes, sir.

Q What was their names? A Alvie was the woman's name and she had two or three children and an old man; they had men to appraise the property and divide it as well as they could, and the old man I got his name was Caesar and his wife's name was Sarah.

Q Well, now, how many slaves did Jim Vane get? A He got the same as the others did. And when he married he got more than that given him by his father had he squandered them.

Q When was he married? A He married before my father's death in '44.

Q And how many slaves did he get on his marriage? A I don't know that; I was a child I could not remember.

Q You don't know the names of them? A Yes, I do, I told you their names, Mr. Hastings?

Mr. Hastings: He wants to get it in this record?

Witness: What he got through my father's estate what was given him when he married, that was old Hannah.

Q How many? A I don't know; Jennie because I owned her a while.

Q You don't know how many Jim got on his marriage? (No response.)

Q Well, did he have any before he got married that his father had given him? A I don't think he did.

Q And you say he got seven from the estate? A I ain't certain about that unless I was to sit and count how many I got; I think it was seven though.

Q Do you know the names of the ones Jim got? A No, sir.

Q Did you ever see them? A Of course I did; I don't know as I knew the young darlies' names because I had nothing to do with them; I would just see them around the place.

Q Would you undertake to say that your father didn't have some of these slaves hired out? A No, I would not positively swear that, but I would positively say I would not believe I did.

Q Now, Jim was a man who was addicted to drink considerable?

A Yes, sir.

Q And at times would be hard up? A Yes, sir, he generally made a raise pretty soon though.

Q Well, it would be most natural now for him to hire them out?

(Question objected to by Mr. Hastings, and sustained by the Commissioner.)

Q You would not undertake to say that Jim Vane didn't hire out some of his slaves? A I really don't know.

Q You said you never went much about him? A I say I didn't see much of his negroes.

Q You said you didn't go much about your brother? A He was batching in Bahiquah and I was married and alone and what would a woman have around a place like that?

Q How long did he batch there? A About two years.

Q You didn't go around him at that time? A No.

Q Did your father run racehorses? A He did back in the old Nation; he had a noted race mare he ran; she was brought from Kentucky and he named his steam boat from her—Lucy Walker.

Q He had a race mare by the name of Lucy Walker? A Yes, sir.

Q Well, who was the rider of Lucy Walker? A We had several boys that rode race horses, I don't know what she rode on.

Q Did you know the names of the several boys that rode the race horses? A One of the older ones was Jack, William Speedy got him at the time the race was divided.

Q Well, give me the names of the other ones? A Well, this George that belonged to me attended to the horses.

Q I don't see how they rode the horses, the jockey? (No response.)

Q Now, what of the business you don't remember much about what

was done at that time? A I don't know.

a fraud book there by you.

Q You have plenty of prejudices? A No prejudice of all, if he belonged to my father I would want him to come for his rights.

Q You have been talking about this with people? A No, sir; I don't have to keep my mouth closed on account of George Washington Vann he claims.

Q You have a pretty bitter feeling? A No, sir, I dislike falsehood; I think that man came to my house up here sometime ago and come up here laughing and said I won the case up there and I said there was not but one George Vann, and I said I owned him and he went on to say some of the children, said Mrs. Lovere, and that wasn't her name.

Q I want to ask you this question, of all the hundred negroes that your father owned, can you say there was only one by the name of George? A Yes, sir, he had a George, he had been sold before my recollection.

Q I mean at the time of your father's death? A Yes, sir, I know there was not a George; I was ten years old before his death.

Q You say he owned no George at all at that time? A Might have been some little bit of a child I don't know anything about; I said I didn't know much about the field negroes.

Q You were ten years of age when your father died and you swear now that not one of the different hundred slaves he owned, not one had the name of George? A I know of the children one of them dressed one by the name of George and that was me.

Q Now, how many Johns were there and how many Jakes? A There were several.

Q And several Joses? A There is one Joe here.

Q What is his name? A I believe he called him Joe Bruner by his father.

Q And several Harrys? A One.

Q But there was not any George at all except the one you got?

A Not that I know of.

Q Well, now, how old was this Joe Bruner you speak of at the time of the death? A I don't know whether he was born then or not, but he was around our house there a great deal. Wonder where he is; I guess he can tell the truth you see. He think old George can tell the truth.

Q Now, when did you first have it brought to your mind that Joe Bruner had been a slave of your father? A First met him I knew him by his looks because his grandfather was one of mother's main cooks.

Q When did this meeting take place you speak of? A Here this morning.

Q You hadn't seen him before for how long? A Oh, I was all the day the Federals came to the place, and I think Joe went to the Federals and I hallowed at him.

Q That was early back in time of the war? A Yes, sir.

Q But you hadn't seen him since? A I don't know whether I had or not; sometimes I meet the old darbies and they always seem glad to see me.

Q You give your testimony as to what the Confederates wanted? A Yes, sir.

Q The war is over, is it not? A I never had any further questions asked me.

Q Did you have the same opinion against this man you have now? (The witness.)

AND SUBSCRIBED, Young Billy Brown, by Commissioner Needham, certified as follows on the part of the Cavalry Division.  
Investigation conducted through Sergeant Major William H. ...

MR. HASTINGS: What is your name? A Andy Crossland.

Q How old are you? A About 74 years old.

Q Where did you live before the war? A In Sequoyah District.

Q How far from Webbers Falls? A About twenty miles.

Q Did you know old man Joe Vann, known as Rich Joe Vann?

A Yes, sir, I knew him.

Q Did you know his darkeys? A They sometimes called him Rich Squirrel in Cherokee.

Q Did he have some slaves? A Yes, sir, he had quite a number.

Q Was his folks any relative to yours, to the people you belonged to? A No, they were no relation.

Q You know the Applicant here, George W. Vann? A Yes, sir, I know him; I didn't know him before the war.

Q When did you first know him? A First time I ever saw him was just across the river from Fort Smith.

Q What was that? A It has been about 20 years.

Q Did you ever visit Joe Vann's darkeys before the war? A Yes, sir, I used to visit them at Webbers Falls.

Q Did you ever see this man among them? A No, sir, I never saw him.

Q Was there a George Vann among them, was by the name of Webster?

A Yes, sir.

Q What became of him? A One George Vann was drowned, he was just a young man.

Q Did you know Ben Johnson before the war? A Yes, sir.

Q How far did you live from him? A About ten miles; he lived just across the river from Fort Smith, on this side.

Q Did you ever visit his darkeys before the war, see them?

A Yes, sir.

Q Did you ever see this man this Applicant, George Vann, down there among them before the war? A No, sir.

Q The first few years after the war where did you go; where have you been living since the war? A I first lived in Illinois about two years and moved into Sequoyah District and lived in Sequoyah District eleven years, and moved back to Illinois District where I now live.

MR. PHILIPS: Did you know old Joe Vann when he first came to this country? A This Rich Joe Vann?

Q Yes, sir? A Yes, I didn't become acquainted with him until he came to Webbers Falls.

Q Well, when was that? A It must have been something like ten years prior to the war.

Q What year would that be in? A I am not able to state; I was raised by full blood Cherokees and had no opportunities to keep count of the time.

Q Ask him if he is on the authentic call of 1862 as a Slaveholder Freedman? A Yes, sir.

Q How far from Webbers Falls was he living at that time, was witness here? A About twenty miles, as I stated.

Q From Webbers Falls? A Yes, sir.

Q Do you know how many negroes Joe Vann brought with him when he came to this country? A No, sir, we had no right or authority to make any investigation as to any number of slaves a man may have.

Q Did you know how many slaves Joe Vann had? A I don't know that I know Joe Vann.

Q Does he say that he does not remember Joe Vann, a man of Joe Vann? A He just states that he didn't know that he remember Joe Vann.

MR. PHILIPS: Ask him if he knows Joe Vann, a son of Joe Vann?

A Yes, I know him but didn't know him as well as I did his father.



Q. Mr. TAMM: Well, do you know how long since you saw at  
that time? A. No, sir.  
Q. Mr. HASTINGS: Was she your beloved sister, Miss Keenan's  
father, French, son?  
Q. Mr. HASTINGS: Was he a neighbor of Joe Young's? A. Yes,  
about twenty miles.

Commission adjourned until the 10th day of March, P. M. 1901.  
Testimony continued by Stenographer, Mr. D. Green.

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

Subscribed and sworn to before me this 10th day of March, 1901.

*C. R. Reeson*

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To be filed with C.E. in

Confidence from stenographer Ross

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, Ark., Sept. 12, 1901.

In the matter of the enrollment of George W. Vann, Cherokee  
Indians.

MEMORANDUM

For the Commission

Applicant in person, and by his attorneys, J. B. Faulds  
and A. B. Yee.

W. W. Hastings, and James Davenport, for Cherokee Nation.  
- Testimony on part of Cherokee Nation.

DAVID BRADY, being sworn by Commissioner Hastings, testified  
as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence. A My name is  
Daniel Brady.

Q How old are you? A I can't tell you, I am 60, 70 or 80.

Q Where do you live? A I live in Illinois District, Bragg Station.

Q How long have you lived in the Cherokee Nation? A All my days,  
in fact, I was in the Cherokee Nation when I come to my  
recollection.

Q When you could first recollect where were you living? A South of  
Wagon Falls.

Q Did you ever know Joe Vann, what they called him? Joe Vann, be-  
fore the War? A Yes sir.

Q How far did you live from him? A I don't know how far, I lived on  
one side of the river and him the other.

Q Was you acquainted with his place that he owned? A So far as  
this, I lived on this side and he lived on the other side of the river,  
Saturdays and Sundays when I got a chance I would go over there  
Sundays and run after the sheeps and such, and a certain number  
times.

Q Well you had been on this place? A Yes sir.

Q Did you ever see this man by the name of George W. Vann, and  
his home there around Joe Vann's place before the War? A Well,  
Joe Vann had a colored man that they called George.

Q What was it this fellow that? A Sure, indicating. A This is  
not the man I saw there.

Q Is this the man that was around that they called George? A Oh  
no, that's that I am telling you now, it wasn't him, no sir, I am  
confident it wasn't him; he ain't the man; that man, the last I saw  
of that man just a while after the War commenced, the last I saw  
of him he run away with some colored people, I think some of his  
relatives, and went North.

Q And you have never seen him since? A No sir, I saw his brother  
since, and asked him whether about him, that's all.

BY MR. FAULDS:

Q All you have to do with this man? The George Vann that was there  
at that time?

Q All you pretend to say is that this man? The George Vann went  
North? A No, that was the question they asked me; they asked me  
was this the George Vann that belonged to Vann? I say this ain't him.

Q You didn't know him? A No, I never saw him named George, no sir.

Q Did you know all the old ones? A Well all the old ones,  
pretty much; there was a lot of them there, there used to be a lot  
of them there, they called them, well, all sorts of four others there, but  
I saw that the same man, well, that was the same man, the  
brother of this George Vann.

Q Did you know him? A Yes, I know him, that was the same man,  
the brother of this George Vann.

Q Did you know him? A Yes, I know him, that was the same man,  
the brother of this George Vann.

Q Did you know him? A Yes, I know him, that was the same man,  
the brother of this George Vann.

George W. Vann cont'd

Q May have been a dozen Georges. A Well I didn't know them.  
Q You don't know how many slaves he had? A No sir, I was a slave myself, and couldn't count them, nor nothing about it, I was over there on a courting expedition and around among the young girls and black boys.

Q Was slave was a slave holder, big slave holder down there? A A He was the biggest. And there was John Brown, he lived down on the River from Vann.

Q How many slaves did he have? A I don't know, I think he had three or four women and I think there was four or five men, yes.

Q Did Webster live over there? A Webster lived on this side of the River.

Q At Websters Falls? A Yes sir.

Q How far was that from you? A Well, it's about a mile and a half, maybe not so far, on this side of the River, old Webster lived. He had a big store up there.

Q What did you first get acquainted with Jim Vann? A Well I could not say, but after he came up on the boat and he got settled down there and you find out pretty quick, his traveling around, he owned a good many colored people, I would see him across on this side once in a while.

Q What boat did he come in on? A Don't know.

Q Were you there when he came in? A Oh no, I think not; oh no, I paid no such attention; I was a slave; I couldn't pay such attention to that.

Q You had about all you could do to look after your masters?

A That's right, only every Sunday.

Q Joe Vann was away from there, so pretty much on his steamboat?

A He did run on the boat, yes sir.

Q He was a race horse man? A Yes sir.

Q Brood horses all through the country? A Well I don't know about throughout the country, but he did do it about Websters Falls, that's all I know about it.

Q Just what you know is running there, that doesn't amount to very much? A Well, what you ask me I answer to the best I can.

Q You have been with the Deacon Gormick, you are employed by the Ch. States Nation? A Yes sir.

Q Got ten dollars a day right now? A Well, if they give it to me I will.

Q Well, do you get it or don't you get it? A I don't know, sir.

Q What you got anything yet? A I have got something some I think.

Q What you expect to get it? A Well I don't know, depends upon the circumstances, I can't tell that they do.

Q Other is work for nothing? A Well, if I can't find work, what else can I do?

Q You know the colored people, slaves, that Jim Vann had a share of it?

Q Don't know all of them. A After old man Vann died, he got blowed up, - Jim Vann he married Louis Russ' daughter, I think, it was anyhow among them Russes, but he took care of the slaves over there at Tallapoosa, some of the slaves, I reckon it was his portion of the slaves he owned; he stayed there a while with them and then he sold them, there was a merchant called Macross bought them slaves he sold them off to his children, I don't know where they lived.

Q You don't remember no more that George Vann had got a share of Jim Vann's? A He is not the man that I knowed, it's George Vann.

Q He lived with him in a house? A Well, I don't know, I don't know no place.

Q What I am asking you is whether or not you ever saw any of the slaves that were with him? A Well, I saw some of them, but I don't know no more.

Q What you ever saw about the slaves? A Well, I saw some of them, but I don't know no more.

Q What you ever saw about the slaves? A Well, I saw some of them, but I don't know no more.

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said he got drowned up some North somewhere.

Q But you are not swearing he wasn't the slave of Jim Vann? A But he ain't the one I saw.

BY COM'R NEEDLES:

Q Do you know whether this George Vann was a slave of old Jim Vann or not? A Not that I know of; not that I know of he wasn't; I don't know that I ever seen him until I saw him around this payment, that is the first time I ever saw him to my knowing at all.

Q You don't know whether he was or was not a slave of Jim Vann? A No sir.

Q Do you know anything about the slaves Mayfield got after Joe Vann died, from the estate? A No sir; I don't know anything about him who draws the estate.

Q Do you know whether or not Mayfield got any slaves? A Not no more than say so; I heard them talking about Mayfield had slaves, but to see it and know it, I don't know.

Q All you know is what they talked about it? A Yes sir, that's all.

JOE JOHNSON, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, and age and place of residence also? A I am 31, going on 32.

Q Well, what's your name first? A Joe Johnson.

Q And your post-office? A Muskogee.

Q How long have you lived in the Indian Territory Joe? A Born and raised here, been here all my life.

Q Was a part of the Territory was you raised in? A Sequoyah District.

Q Was you a slave before the war? A Yes sir.

Q To whom did you belong? A Ben Johnson.

Q Was you acquainted with the slaves that was living on Ben Johnson's place before the war? A Yes sir.

Q Is this man here who is known now as George W. Vann belong to Ben Johnson or work on Ben Johnson's place there before the war or at the breaking out of the war? A Never did see that man before until about 10 or 12 years ago in this District.

Q When did you come back to the Nation after the war closed, or did you leave it? A I left it.

Q When did you come back? A Poppy hadn't declared when we come back.

Q To what point did you go when you come back? A Down on our old place in Sequoyah, Ben Johnson's place; lived there seven years, built a house there, and then went to Flint District.

Q When you come back down there about the place where was this man George W. Vann, living there? A No sir.

Q When did you first see him? A Right here in this District; there was a big meeting going on here.

Q About how long ago? A Well I say it has been about 10 or 12 years ago since then; they had a big meeting here; that's the first I remember seeing him right there at that meeting.

Q And you worked the old Ben Johnson place several years before you came back here? A Eight years.

Q And he wasn't in there then? A No sir.

Q And he never was there before that? A Never was, I saw the man and noticed a stranger in the crowd on the place.

BY MR. FAULDS:

Q You was 6 years old? A No sir.

Q You were a slave before the war? A Yes sir.

Q What was you working at before the war? A Riding paper for your master.

Q Where did you raise? A I was born in Mayeville, and was in Muskogee on the day of the war; I don't know what they call it now; that's what it was called.

Q How long did you stay there? A Ten years.

George W. Vann cont'd 4

- Q How long before the war was it you begun riding races? A I couldn't tell you.
- Q Ten years before the war, was that it I suppose? A I don't know I said, I wouldn't put no time, because I don't know nothing about no dates.
- Q You mean the war between the North and the South? A Yes sir.
- Q Did you ride race horses for several years before the war?
- A Yes sir.
- Q How much did you weigh? A Well I don't know anything about that, I may have weighed a good deal, I don't remember them ever weighing me.
- Q How old were you when you started to ride race horses? A I don't know, but I was big enough to hold horses without being girded on, and able enough.
- Q When did Ben Johnson go away from there? A When the war was going on, I couldn't tell you what year.
- Q How old were you when the war started? A I couldn't tell you nothing at all about that; I am just talking you what I know and no more. But that man there was never about place, I know that.
- Q On whose place? A Ben Johnson's.
- Q You were there all the time? A Yes sir, never was nowhere else until we started South; they taken me away from there and there wasn't but three old men left there.
- Q I thought you said you went away to ride races? A I said I rode races.
- Q Wasn't you away from there riding races? A Well how long was I away, no longer than the race was run, and then I was in there again.
- Q You were how old then? A I don't know how old I was; if you want to find out I can have a man brought here that's got his daddy's books, one of the grand-sons of them; if that's what you are after.
- Q Didn't Ben Johnson go from that home on the bend of the River between Arkansas and Poteau before he went off? A That's when he first left home with his negroes.
- Q He went onto the river and died, didn't he, and some of his negroes came back? A He was on his way back when he died; didn't die at the River.
- Q His negroes came back? A Yes sir.
- Q Did he have two negroes named Mass and Green and Aron? A Aaron was my oldest brother and Green was this Isaac; I don't know where he gets the Green part; I know who he is.
- Q Who did you belong to you say? A Ben Johnson.
- Q Was that all the kind of work you did, was to ride horses? A That's all I done.
- Q That's all you ever did? A Yes sir.
- Q You didn't didn't work down there in the Salt Licks? A No sir, I don't know nothing about no Salt Licks; I used to hear them talk about Mackey's Lick, but I don't know no-day where it is.
- Q Do you know whether or not Jim Vann hired a negro to Ben Johnson for a thousand dollars? A No sir.
- Q Don't know anything at all about that? A No sir.
- Q Buried the thousand dollars? A Don't know nothing about it, never heard of it before.
- Q There are lots of things you haven't heard of since there? A That's all right about that, but here's this thing about it, that man was never in the yard.
- Q Were you in the yard all the time? A Yes sir, right on the place why when they took me out to ride races, I knowed when a stranger come.
- Q Well you seem to be pretty smart for a boy 10 or 12 years of age? A That's all right about my smartness, I am smart enough to make an honest living.
- Q Are you on the 1860 roll? A Yes sir.
- Q Charley Freeman? A Yes sir.

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Q When did you get back to this country after the war? A I have done told just what time I come back here, and you aint getting no more out of me; when we come back here peace wasn't declared; that's what they told me; we had soldiers here that was mustered out after we come here.

Q Where did you come to? A Right to our old place on this side of the River.

Q How far was that from Fort Smith? A I call it about 2 miles; I come right there and build a house and stayed there eight years.

Q You never saw this man at Fort Smith at all? A No sir, I first saw him right here about 16 years ago, at a big meeting.

Q You undertake to swear he wasn't there during that time? A He might have been in this country, but I never saw him.

Q You never saw him around Fort Smith right after the war?

A No sir.

Q You are not going to say he wasn't there? A He might have been right there for all I know; I never saw him there.

Q You don't know where he was living? A No sir, I don't.

GABRIEL L. PAYNE, being sworn by Commissioner Needles. testified as follows;

BY MR. DAVENPORT:

Q State your name, age and place of residence? A Gabriel L. Payne; 46 years old, Cherokee Nation, Sequoyah District, my post-office is Fort Smith, but I live on this side of the River.

Q How long have you lived in Sequoyah District? A Since '60.

Q What portion of Sequoyah District with reference to Fort Smith, Arkansas, have you been living? A Right across the river from Fort Smith, right on what you would call the landing.

Q Are you acquainted with a colored fellow who goes by the name of George W. Vann now? A Yes sir.

Q This gentleman who sits there? (indicating) A Yes sir.

Q How long have you known him? A I have known him since about February or March, '77, I couldn't say positive, about the last of February or the first of March.

Q Where did you first see him? A I first saw him there at home.

Q On your farm? A Yes sir.

Q Did you have any business transaction with him that makes you remember? A First business I had with him he picked cotton for me.

Q Was there any other transaction that followed that? A Well he has been working for me off and on up until - I don't think the old man has done any work for me in the last three or four years.

Q When he first came to your place how long did he stay before he brought his family, if he brought them at all? A My recollection he was there about two or three weeks before he brought his family.

Q Did you have any conversation with him in regard to where his family was? A He said they was at Argenta.

Q If you had anything to do with aiding him bring his family I wish you would state the circumstances? A When he was picking cotton for me he wanted money to get his family from Argenta, from what was Cherokee at that time, - Cherokee proper now is 4 miles north of what was Cherokee then, - and he got me to pay the railroad agent at this end of the line the money for what his freight and things would be, and the agent ordered the agent at the other end to get them up, I give the agent the money to transfer his family.

Q Did the family come? A Yes sir.

Q That was about what year? A '77.

BY MR. PAULDS:

Q That was in 1877? A Yes sir.

Q Came from Argenta? A I don't know whether he came from there or not; he said he did.

BY MR. DAVENPORT:

Q From the time you went to your place down in Sequoyah District, in '60, up to the time George came to your house in '77 had you com-

George W. Vann says

him in that locality or had he been living in that locality? A Not that I know of.

BY MR. PAULS:

Q He had some land down there near Fort Smith in the Cherokee Nation that you wanted to get, and you had him arrested? A I did not.  
Q Well, it was brought about that he was arrested and taken over to Fort Smith, weren't you there at the trial giving evidence against him? A Yes sir, I say he wasn't arrested in regard to that land at all.

Q He was arrested for cutting timber on Indian land? A Yes sir.

Q Did you have him arrested? A No sir.

Q You were instrumental in having him arrested? A No sir.

Q Did you have a finger in it? A No sir.

Q But you were there as a witness? A Not against him.

Q Didn't appear there as a witness? A Not against him.

Q You were there in the trial? A Yes sir.

Q Did you testify in the case? A Not in his case.

Q Whose case? A Jellison named Hicks.

Q Do you remember the facts proved? A No sir, I think it was Clay-

son or Row-

land's case? A Yes sir.

Q Or Tableman's? A Yes sir.

Q You were interested in that trial? A I was not, not in that trial.

Q Didn't care how it went? A Yes sir, I did.

Q You wanted him acquitted? A No sir.

Q You wanted him convicted? A I did.

Q You were claiming that and he was not? A I was not.

Q Well they had a trial over there? A Yes sir.

Q And the jury without retiring from the box found he was a Cherokee Indian? A I don't know the decision in regard to that, I think Judge Parker claimed that on record to his case point on controversy between the United States Government and the Cherokee Nation that he wouldn't take jurisdiction because it might have some figure in his case.

Q You know the jury found he was a Cherokee Indian? A No sir, I don't.

Q Do you want to see it? A No sir, I don't care to, it's none of my business.

Q After that trial took place you went out there and had him arrested and brought up at Muldrow? A I did not.

Q Wasn't he taken there and tried? A No, he wasn't tried there, we was suing him there, we was just suing for a piece of land.

Q Didn't try him there then? A No sir, we brought the suit there at Muldrow.

Q Wasn't he turned loose there? A No, he went up in the case there at that court; you shouldn't call it turned loose.

Q They decided there also that he was a Cherokee Indian? A No sir.

Q Didn't go there, my brother attended to the trial at that time and when the trial went against us I took an appeal to the highest court and finally beat him at last.

Q Got it down here before the Cherokee Indians and beat him?

A Got it before the United States Court at Tableman.

Q What year was that in? A Well I couldn't say positive, about three or four years ago.

Q How long was that you had at Muldrow with your case then? A Yes sir.

Q You were wrongfully gotten against him for possession of the land? A He had sold us some land and then took and turned it up against us, we brought suit for possession.

Q He sold you this land? A Yes sir.

Q What year was that in? A I can't be positive, I think it was in '92 or '93.

Q When he sold you the land? A Yes sir.

Q Was he living down there in '92 and '93? A I think so.

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Q Was he living there right along from 1877 until that time, '85 or '86? A No, in '81 I think, I won't be positive, I think it was '81, I bought everything he had, and he left this country, went to Cuba so he said, and he was gone a little over a year, probably, I ain't certain about that.

Q You said you were 46 years of age? A Yes sir.

Q And you had lived down there since 1869? A Yes sir.

Q How far were you living from Fort Smith in 1869? A Before we moved to where we are living now?

Q Yes? A We lived at Greenwood, about 12 miles from Fort Smith; I was born there, but during the war when trouble came here we were hop, skip and jump about in Little Rock and Fort Smith, and in '66 I was going to school there at Fort Smith.

Q I want to know how long you lived at Greenwood 12 miles from Fort Smith? A I was born there I tell you.

Q How long after 1869 did you leave there? A I told you we left there in 1869 and moved to this place where we are living now; that's right across the river from Fort Smith, I think in the neighborhood of 26,000 feet.

Q When you have lived there ever since 1869 right across the river from Fort Smith? A Yes sir.

Q You never saw anything of him now up until 1877? A No, no, 1877, then, I knew of.

Q You might have seen him without knowing it? A Yes sir;

Q You know there is a whole lot of white witnesses around Fort Smith that knows he was around there? A I don't know anything about that.

Q Did you hear his trial at Fort Smith? A Yes sir, but I don't know that anything of that kind was brought up, I don't know that it was or wasn't, it has been before.

Q Did the Indian Courts have jurisdiction over non-citizens at the time this case was brought up at Indian? A

BY MR. DAVENPORT: That is a matter of law.

A I believe they wanted it thrown it out on account of non-jurisdiction; I think the Cherokee courts threw it out on that ground.

Q Threw it out? A Yes sir.

Q Well then you didn't beat him there? A I beat him in the suit in the United States court, where I could get jurisdiction hold of him.

Q There was a United States Court at Tahlequah at that time was there? A Yes sir.

Q He was paid for the piece of land wasn't he? A Oh we paid him for that piece of land at first before we ever commenced a law suit and then afterwards he went and claimed it to be his own.

BY MR. DAVENPORT:

Q Are you a citizen of the Cherokee Nation? A I believe you people below claimed I was not, I believe the Cherokee Nation accepts me as a citizen.

Q Not as a citizen by blood? A No sir, by adoption.

WILLIAM BENTLEY, former agent of Commissioner Bentley, testified as follows:

BY MR. DAVENPORT:

Q State your name? A William Bentley.

Q How long do you live? A In Indian Territory.

Q How old are you? A I don't know, sir, exactly how old I am.

Q How long a resident of Cherokee Nation? A Cherokee Nation.

Q Are you acquainted with George W. Vann there? A I have seen him.

Q About how long has it been since you first met him? A About 4 or 5 years ago.

Q When you met him along about 4 or 5 years ago where did you meet him? A First time I met him was out at Tahlequah.

Q What was in the Cherokee Nation? A Yes sir.



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Q When you met him, that's did you have any conversation with him in regard to Chontay citizenship? A No sir.

Q Did you have any conversation as to any kind of citizenship, as to him being a Choctaw or anything? A No sir.

Q When was the next time you met him? A At Fort Smith.

Q Did you have any conversation with him at all at any of these meetings with reference to his Choctaw citizenship? A No sir, I didn't.

Q Well then, you had no conversation with George at all with reference to his being a Cherokee Freedman, Choctaw Freedman, Choctaw or head of Cherokee, or black? A No sir.

APPROXIMATE DRAFT, being sworn to Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q Give the clerk your name? A Alexander Dunn is my name.

Q Are, and your present place of residence? A My age, I am going on 55, and where I live, now?

A Yes sir. A I live in Sequoyah District, town near Pappaw.

COMMISSIONER: Is Pappaw your post-office? A Yes sir.

BY MR. DAVENPORT:

Q How long have you been there? A About ten years; I came there in '91.

Q Where had you lived previous to coming to the Cherokee Nation?

A In the State of Arkansas, below Little Rock, in Pulaski County.

Q How long had you lived there? A I have been there ever since the war; when I came out of the army I was in that neighborhood in '66 I believe, '66 or '65.

Q During the time you lived in the State of Arkansas, Pulaski County, near Little Rock, did you ever know a colored man who went by the name of George W. Vann? A Yes sir.

Q Have you seen that man since you came up here in this case?

A Yes sir.

Q By what name is he known now? A George W. Vann they say.

Q Is that the man who sits there? (Pointing to applicant.)

A Yes sir.

Q About how long did he live down there after you got acquainted with him? A I wasn't acquainted with him very long. I saw him down there in April, '74, and when I heard from him again he was in the Territory, in '79.

Q You then heard of him again in the Territory in '77? A Yes sir.

Q Did he ever talk to you anything about citizenship or how?

A He said something to me about it.

Q Did he say anything to you about proving up or speak to you about his having applied or anything about that? A

ATTORNEY GENERAL:

BY COMMISSIONER: Any conversation he had with Vann was proper.

Q State what he said to you about citizenship? A He was of my trade, told me I could get a right here if I wanted it. He could get me on the roll. I told him I didn't fool with Uncle Sam, because Uncle Sam was a dangerous nobby and I considered myself one of his men. Fooling with the Government we might get into trouble. My wife advised me not to have anything to do with it.

BY MR. MORRIS:

Q When did he tell you that, about your being placed on the roll as a Cherokee Freedman? A Well it was about the year of '84.

(He a plaintiff): You know that Vann, you came over there, reaching

Q Wasn't you at the time claiming citizenship in the Cherokee Nation? A Never did.

Q Of your own accord? A Never did, and I never will.

Q Did Vann voluntarily approach you on this subject, or did you approach him? A Yes sir.

Q With any solicitation on your part? A Certainly, he was staying all night at my house; he was overhauling around there, and

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ting up a church, and was telling that a chance he had to get a

Q That was near Little Rock? A No sir, that was right here in the Cherokee Nation in '94.

Q I will ask you in reference to this conversation about his getting you on the roll, did you first account him with the remark that you knew him to be down there at Little Rock during the Brooks and Baxter war, and that if he could come to the Territory you were as much entitled to do it as him? A I never had a conversation with him around Little Rock. I will tell you just how I knew him: Charley Morris got into a drunken spree right there when Brooks was making a speech, and he said now boys, Brooks said, now boys, would they back him in taking the Governor's seat; and he agreed that he would. Well this Morris, he was drunk, and when he got drunk Makany came in to take him, George McKany, that's how come he to know this George McKany, as a constable. We boys lived in Hill Township and McKany lived in Eastman, and we wouldn't let him have him; took Morris away from him. Next time I heard from George McKany he was here in the Territory, time Snowden come here to see Charley Morris, and said George McKany was here in charge of a church, and Morris was one of his members, the man he had tried to arrest.

Q When was the first time you ever met George McKany, alias George W. Vann, in your life? A It was in April, '74.

Q Where at? A At New House Church, in Pulaski County, Eastman Township.

BY COUNSELLOR NEEDLES: Q Was it in Arkansas? A Yes sir, in Arkansas.

FY MR. MORRIS: Q Did he have a fan? A I don't know anything about his family, I never saw him no more after that until I come up here; I may have saw him in Argenta town in passing, I don't remember though whether I did or not, but that's the time I saw George McKany.

Q Now from this particular time when was the next time you met him, and where was it? A I met him right here in the Territory, right around Pawpaw; he come there in '74 to get up a church.

Q Come to Pawpaw in '74? A Not in '74, but in '94; '74 I saw him at the Brooks and Baxter war.

Q Now isn't it a fact that you have been instructed to tell a certain line of testimony in regard to this matter? A No sir.

MR. DAVENPORT: By whom do you undertake to say he has been instructed, Ec?

MR. MORRIS: I haven't charged any one.

CONV. NEEDLES: That's by-play, go on with the examination.

Q Where do you live now? A I live in Sequoyal District.

Q Now where did you come from when you went to Kansas? A I come from Pulaski County.

Q Where is that? A In Missouri.

Q Do you live within close proximity of George W. Vann now? A I guess live six or seven miles or off; I never had been to his house; he lives somewhere down about Cherokee and I live near Pawpaw.

Q When you first met him at Little Rock, as you have testified, where did he come from? A I do not know.

Q Never had any conversation with him as to when he come from? A No sir.

Q When you had the conversation with George W. Vann here that you refer to in your testimony in regard to statements he made in you as to getting you on the roll, did he say anything about getting on the roll himself? A He said 'was on the roll; that is, he said he had a right here, and he could get me on and so on.

Q He didn't say he was going to try to get a right, was he? A No sir.

JOSEPH DUNE, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Joseph Dunn.  
 Q Where do you live? A About eight miles south of Auldrow.  
 Q What is your post-office? A Pawpaw.  
 Q How old are you? A About 46.  
 Q Where did you live before you came to the Cherokee Nation? A I lived up until '67 in Polk County, Arkansas; after that I lived in Pulaski County, Arkansas, until '90.  
 Q Did you ever know a colored man down there named George W. McKary? A Yes sir.  
 Q Is the gentleman sitting there the same man you knew by that name? (indicating applicant) A Yes sir.  
 Q What was he doing down there when you saw him? A When I first saw him I was working on the Little Rock & Memphis Railroad, I think that was in '72; he was there at Argenta; I don't think he was following anything but following the courts around there, - and in '73 I worked in the bottom, and he was constable in Argenta, in the latter part of '73; I disremember whether it was Eastman or Hill Township at that time that he was in, the township was cut into since then.

Q The second time you saw him around there he was constable in '83? A Yes sir. And I think in '72 he was constable too, or deputy, or something, if I mistake not.  
 Q How long after that did you remain around Little Rock? A I remained there until '74, the Brooks & Baxter war; I went up in Perry County and stayed about four months there; dropped back to Perry's Ferry; it is called Scott Crossing now.  
 Q Was McKary still in Argenta when you left in '74? A Then I left, there he was.  
 Q Do you know whether he had a family then? A I don't know.  
 Q How long ago did you come up here? A In '91.  
 Q Are you living down there near where your brother Alex is? A Yes sir.

Q Have you, since you moved to the Territory, had any conversation with George W. Vann now, who goes by the name of George W. Vann now? A When I first saw him out in the Territory I had been down to Fort Smith attending court, and at Cherokee I think he got on the train, coming up, and I made myself known to him, and I asked him what he was doing and he went on to tell me, I began to think to ask him how land was, about selling lands, and told him where I was living, and he told me he was living near Jacktown, I don't know where that was, and I asked him was he renting, or some way that way, and he mentioned to me that he had a right here, and I began to question him a little further and he said he was a citizen, and he said it was no trick to be a citizen.

BY MR. NEEDLES: Now your honor, I object to this evidence; it's all right to put in any evidence as to what George Vann said as to his own citizenship, but as to what he said about somebody else's citizenship would be entirely incompetent, immaterial, to this case; got nothing to do with the case. Might as well bring up a conversation relating to any other matter entirely foreign to the issue. Anything he might say as to his own citizenship might be admissible, but as to what he had said of this matter is not and I believe has nothing to do with the case.

BY MR. DAVENPORT: I will state to the court that I want to stop the witness whenever he gets off.  
 BY COM'R NEEDLES: Any conversation George W. Vann had with the witness about his own case is admissible.  
 BY MR. DAVENPORT: Or what he might say about making these fellows, if anything.  
 BY COM'R NEEDLES: I don't think that's entirely competent, and

he might have said; he is not charged.

BY MR. LASTING, Cherokee Representative: This Commission is getting at the facts in these cases, and if this man assumes that that man has done that with these people and wants to get up citizenship cases when he has no rights and he knows he has got no rights, this Commission ought to know of it.

BY MR. BAULES: A man doesn't come here to defend every act of his life. The question is whether George W. Vann is a citizen or not; there are a great many citizens in the country who have been manufacturing evidence for persons who ought not to be. I don't know as I ought to say that, but the Commission has had information that even citizens whose rights were not disputed had been in the business of manufacturing evidence for applicants, and if they had they wouldn't deny them from rights of citizenship if they had.

BY MR. DAVENPORT: It doesn't go into this case to the real reputation of the man, but here is not a man whom this man has known in Arkansas and says I have gotten me a right and I can get you up one, and I want him to tell it.

BY MR. DAVENPORT:

Q Did George W. Vann in that conversation about having told you that he had a right up here, and that it was no trick to get a right try to get you to apply, and offer to get up the testimony?

GOV. BRIDGES: You need not answer that. I don't think that is proper in this case.

MR. DAVENPORT: We except; I asked the question so as to get it in the record.

BY MR. MOREA:

Q You say the first time you met the alleged applicant here George W. Vann, was in 1872? A First time I ever remember seeing him, yes, sir, as well as I recollect, I won't be positive.

Q Where did you see him? A In Argentina, called Coaklehurr town then.

Q And that same year he was commissioned constable? A I don't know whether he was commissioned that year or not; I was working on the railroad and when I saw him in '72 I was working in the yard, and I moved in the bottom and stayed until '73, and when I come back from the bottom in '73 he was appointed constable.

Q Appointed constable? A He was well he was getting constable.

Q Who appointed him? A I don't know; I was up the bottom at that time, when he was appointed.

Q For long did he remain in Argentina? A He remained there in Argentina up until the Brooks and Dexter war, that was in '74.

Q How long did he remain in Argentina after the Brooks and Dexter war was over? A I don't know, sir.

Q When did you see him last in Argentina? A '74.

Q Then when did you next see him? A In my remembrance when I next saw him it was '91 or '92 here on the train.

Q Where were you living then? A Division at Muskogee.

Q Did you meet him before the year 1872? A No sir, if I did I don't know it. I know him at the time I say; I might have seen him if he had been about Argentina, but I don't recollect him from that time up.

Q From the time you first met him until you last saw him was you acquainted with him for a considerable while, a associations with him? A At the time I see in town, while I worked there in the fall of '73 I saw him every day, and when I come back in '75 I was on the court there I believe.

Q Do you have any occupation besides that of a constable? A Not at present.

GOV. BRIDGES: Case on the part of the Cherokee Nation will be referred until next week to-morrow morning.

RECEIVED

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E. D. Green, being first duly sworn, deposes that as stenographer to the Commission to the Zuni Civilization he has personally recorded the testimony and proceedings in the case and that the foregoing is a true and complete copy thereof as his stenographic notes thereof.

*W. H. Green*

Subscribed and sworn to before me this September 28th 1901.

*C. R. Beckman*

KATLEX BAPTIST

DEPARTMENT OF THE INTERIOR  
MISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

APR 4 1901

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VALLEY

File with C. J. #169, Richard Vann.

SUPPLEMENTAL: C. J. #115, George W. Vann.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washington, D.C., September 23, 1901.

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

TESTIMONY ON THE PART OF THE APPLICANTS.

Appearances:

Applicant in person and by attorney, J. S. Paulde,  
W. W. Hastings, of attorneys for the Cherokee Nation.

GEORGE WOODY, being sworn by Commissioner Hurdles, testified as follows:

BY MR. PAULDE:

- Q What is your name? A George Woody.  
Q What is your post-office address? A Fort Smith.  
Q How old are you? A 47 years old the 10th of August.  
Q Do you know old George W. Vann here? A Yes sir, I know him.  
Q Do you know Annie Green? A Yes sir, I know her.  
Q You remember the circumstances of her killing some man over there in Argenta? A I remember the circumstances of her killing her husband, Evans Green.  
Q Were you living in Argenta at that time? A Yes sir.  
Q Do you know if George W. Vann was there? A Yes sir, I know he was there; I know they were there directly after the shooting.  
Q Go on and tell what occurred? A Betwixt 9 and 10 o'clock George W. Vann as you call him, we call him Mack McKaney, and then we was all coming from church betwixt 10 and 11, and John Dymon, another fellow, and we heard screaming over towards the old mill what they called "Cockleburn town", and we rushed over there.  
Q Who rushed over? A George Vann as you call him, we called him Mack McKaney there; we all rushed over there to the door, and he got there first and knocked on the door.  
Q Who is he? A Mack McKaney, and knocked on the door, - that's what we called him, Mack, and he knocked on the door and there was an old lady screaming and Evans was lying at the door shot, and he told her to open the door.  
Q Who? A Mack McKaney and she asked him if it was, and he says Mack McKaney, the old constable, and she says if you can't open the door I will break it down, and she got up and opened the door.  
Q What did you do? A Stayed there to keep her there until the next morning, and next morning if I make no mistake the constable was named Shellcut, a white man, was up there and taken her and carried her to jail.  
Q You say Vann was there? A Yes sir. That man (pointing to the applicant) he was the man who was there and told them if they didn't open the door he would break it down.

BY MR. HASTINGS:

- Q When was that? A I think it was somewhere in '88 or '89; I don't remember exactly what time it was.  
Q You know the difference between '88 and '89? A I know '88 comes before '89.  
Q How many years ago was that? A I don't remember, I don't have a book of record, I can't tell exactly how many years it was.  
Q When did you leave Argenta? A When did I leave there?  
Q When did you quit living there? A I left there, I don't know exactly the time I left there, I have been here about 3 years.  
Q You got your name on it before you quit living there that this constable? A I couldn't remember the time, it was somewhere in '88 or '89 when this occurred.  
Q Can't you get within 10 years of it? A I could I don't remember.

George W. York et al v

exactly the time, but I know it was done in W.A. State.

Q Between '90 and '00? A Yes sir.

Q Do you know it was done before 1907? A No.

Q Do you know it was done before '00? A No I think I don't know it.

Q Do you know whether it was done before or after the war? A I don't know it was after the war I guess when it was done.

Q Do you know how many years after the war? A I do not.

Q Were you married at that time? A I was married at the time.

Q Do you know when you married? A No sir I don't.

Q Was George Vann constable at that time do you know? A No he was not constable at that time when he arrested that woman, but I knew he was a constable down there.

Q He went in and arrested her and wasn't he constable? A No, he wasn't no constable.

Q Who was with him? A I told you I was with him and John Young was with him.

Q Was it she was alleged to have killed at that time? A Evans Green, that was her husband.

Q Did you know George Vann down there? A I knowed that man there.

Q What, McKamy? A Yes, that's what we called him.

Q How long did you know him? A He came there my first serving him was the time of the Brooks and Baxter War, he was appointed constable there.

Q You never saw him before that? A No sir.

Q You don't know when the Brooks-Baxter war was? A No I don't know now at the present time when it was.

Q About two years after the war? A I say I don't know.

Q About how many years after the war? A I don't know, I know it was there.

Q Well, he stayed there until after this killing did he? A No, after he got out of office he went away from there, and came back there.

Q How long has he been there at the time of this killing? A I don't know, first time I saw him was the Brooks and Baxter War.

Q At the time this killing took place how long had he been down there? A Oh I couldn't tell.

Q You don't have any idea when it was? A No I don't, but I know he was there that night; I am sure he was there.

BY MR. FAIRBANKS:

Q Have you any idea of date? You know what year this is, or what year was 20 years ago? A No, I know this is 1901, I know that.

Q How many people were there around there that night when this killing happened? A When we first got there we was the first three men there that got there, and we ran over there and there wasn't but three men there, but there was a crowd gathered there afterwards.

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

Subscribed and sworn to before me this November 2nd 1901.

*[Handwritten Signature]*



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File with Cherokee Freedman D-169, *Richard Vann*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 18, 1902.

In the matter of the application of George W. Vann and others  
for enrollment as Cherokee Freedman.

SUPPLEMENTAL TO D-118.

Applicants represented by A. S. McKee, Muskogee, I. T.  
Cherokee Nation represented by W. W. Hastings.

Mr. McKee's attorney for applicant desires the testimony of  
W. W. Wheeler, taken this day in the case of Joe Bruner, to be made  
a part of the record in the cases of George W. Vann and others and  
Eliza Robinson.

**COMMISSION:** The request of the attorney for the applicant will  
be complied with.

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

(Signed) Arthur O. Croninger.

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

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

(Seal)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 18, 1902.

In the matter of the application of Joseph Bruner et al for  
enrollment as Cherokee Freedman.

SUPPLEMENTAL TO D-168.

Cherokee Nation represented by W. W. Hastings.

J. C. SHAW, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A. J. C. Shaw.  
Q. Are you stenographer for the Cherokee attorneys? A. Yes, sir.  
Q. Did you make any effort to get service upon Joe Bruner, the  
applicant in this case? A. Yes, sir, I did.  
Q. What did you do? A. Sent a notice and a registered letter to his  
residence at Muskogee, I. T., and the postmaster informed me that Joe  
Bruner was dead, and he couldn't deliver the letter.  
MR. HASTINGS: Can you be representative of the Cherokee  
Nation and now be employed as attorney in this case as to Joe Bruner's  
children for their enrollment as Freedmen?  
A. Yes, sir, if the Cherokee Nation will be inter-  
ested in the case.

W. W. WHEELER, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A. W. W. Wheeler.
- Q. How old are you, Mr. Wheeler? A. I am between 54 and 55.
- Q. What is your postoffice? A. Sallisaw, Indian Territory.
- Q. Did you know the applicant, Joseph Bruner, a colored man? A. Yes, sir.
- Q. Did you know him before the war? A. Yes, sir.
- Q. Who did he belong to when the war came up? A. At the time the war came up he belonged to E. B. Bright.
- Q. Where was he living? A. Fort Smith, Arkansas.
- Q. Was he a citizen of the state of Arkansas? A. Yes, sir.
- Q. Not a citizen of the Cherokee Nation? A. No, sir.
- Q. He had formerly belonged to your father? A. Yes, sir.
- Q. And your father had sold him to Bright? A. Yes, sir, but my father bought him from Mitchell Sparks.
- Q. But he had sold him before the war? A. Yes, sir, sold him before the war.
- Q. About how long before the war? A. I believe he sold him in '60.
- Q. To E. B. Bright? A. To E. B. Bright.
- Q. He was freed by E. B. Bright? A. Not an off from E. B. Bright and he never was captured there.
- Q. He was his slave? A. He was his slave.
- COMMISSION: Was E. B. Bright a citizen? A. Citizen of the state of Arkansas.
- Q. Wasn't a citizen of the Cherokee Nation? A. No, sir.

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 19th day of May, 1902.

(Signed) P. G. Neuter,  
Notary Public.

(Seal)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., May 27, 1902.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-116.

APPEARANCES:

- A. S. Moore, for applicant.
- W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

<p>Ex. 9.</p> <p>G. W. Vann, Cherokee Nation.</p>	<p>before the Commission on Citizenship, Tahlequah, Ch. N.</p>
	<p>May 2nd, 1878.</p>

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of the opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1866, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

D. L. Nicholson,  
Clerk of Court.

Jno. Chambers, Pres.  
O. P. Brewer,  
Sec. Bowling.

MR. McRFA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed here with the record showing that the applicant George Vann made application before the Commission as set forth.

VR. HASTINGS: The above objection is rebuted by the judgment itself which shows that the claimant, George J. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

MR. McRFA: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the records set forth and has had time and opportunity to present the same before now.

VR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31, 1902, in which to introduce testimony either for or against the claimant.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al, P. D. 134, Cornelia Hill, P. D. 135, Abiava Wiggins et al, P. D. 168, Richard Vann, P. D. 169, and George W. Vann, D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. McKee, present.

Attorney G. Crowder, 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 fore-

going is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur S. Oreninger.

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

(Seal)

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

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.

*H. M. Vance*

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

*Ernest Jones*  
Notary Public.

NOTARY PUBLIC

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., May 17, 1908.

In the matter of the application of George W. Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-115

APPEARANCES:

A. S. McRea, for applicant.  
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Commission on citizenship, known as the Chambers Court, in the case of George W. Vann, of date May 2, 1878, as follows:

G. W. Vann	)	
No. 9 vs?	)	Before the Commission on
Cherokee Nation.	)	citizenship, Tahlequah, C.N.
	)	May 2nd, 1878.

The claimant in person and by attorney, presented his application for citizenship, by a written statement, averring all the necessary facts, showing that the Commission could take jurisdiction of his said case. The defendant by its attorneys filed a general denial under the rule of the Commission.

Upon a careful examination of the testimony adduced on the part of the claimant the Commission are of opinion that the claimant wholly fails to show by satisfactory evidence,

1st. That he was a slave and was residing in said Cherokee Nation at the beginning of the Rebellion.

2nd. That he was owned by Joe Vann or J. S. Vann at the beginning of the Rebellion. Therefore, as claimant failed to establish by satisfactory proof, two essential ingredients, under the Treaty of 1865, to entitle him to citizenship in the Cherokee Nation, his claim must be denied and it is so ordered by Commission and the clerk will enter this in the proper Docket as the Decree of the Commission, in said case.

Attest:

D. L. Nicholson,  
Clerk of Com.

Jno. Chambers, Prest.  
O. P. Brewer  
Geo. Downing.

Mr. McREA: Comes now attorney for applicant and objects to the introduction of the testimony as presented by the record on the part of the Cherokee Nation for the reason that the same appears upon its face to be an ex parte course of procedure in that there is nothing to show as appears from the adjudications set forth in the above record that any papers are filed herewith the record showing that the applicant George Vann made application before the Commission as set forth.

MR. HASTINGS: The above objection is refuted by the judgment itself which shows that the claimant, George W. Vann, made a written application to the Commission, and that testimony was introduced on the part of the claimant before the Commission, and that the decision of the Commission was based upon the testimony introduced.

Mr. McREI: It is further objected to by attorney for applicant for the reason that this matter has been in controversy for 12 months or more. It would therefore appear that the representative of the Cherokee Nation was in possession of the record as set forth and has

had time and opportunity to present his case before me.

MR. HASTINGS: Reference is made by the representative of the Cherokee Nation to the notice filed in this jacket which was given the applicant that both parties would have until May 31st, 1908, in which to introduce testimony either for or against the claimant.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following cases: Mary J. Youngblood et al, P. D. 134, Correll Hill, P. D. 135, Alaina Wiggins et al, P. D. 160, Richard Vann P. D. 169, and George W. Vann D-115, the case at bar. It appears from the records of this Commission that all the applicants above named are represented by A. S. Hoken, present.

Arthur 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 above going is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Arthur S. Croninger,  
Subscribed and sworn to before me this 28th day of May 1908.  
F. S. Reuter,  
Notary Public.

E. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above copy which is a true and correct copy of the original transcript in the above case.

(SIGNED) E. E. Kaufman  
Subscribed and sworn to before me this 28th day of July, 1908.  
F. S. Reuter,  
Notary Public.

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

In the matter of the application of George W. Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications

George W. Vann et al. - - - -	-Cherokee Freedmen D	115
Mary J. Youngblood et al - - -	-Cherokee Freedmen D	134
Cornelia Hill - - - - -	-Cherokee Freedmen D	135
Elmira Wiggins et al - - - - -	-Cherokee Freedmen D	168
Richard Vann - - - - -	-Cherokee Freedmen D	169
Young Vann et al - - - - -	-Cherokee Freedmen D	1070
Isaac B. Vann et al - - - - -	-Cherokee Freedmen D	1071
Mary J. Qualls et al - - - - -	-Cherokee Freedmen D	1086.

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 George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, Harrison, James and Peter Vann; said application also included his wife, Mary J. Vann, for whom he applied for enrollment as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time she is not embraced in this decision; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Peery Hill and Coralee, Cassie M., Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Ann W. and Gust Vann; by Isaac B. Vann for himself and his two minor children, Felix and Catherine Vann; the last named application also included Belle Vann, wife of said Isaac B. Vann, but she is differently classified and is not embraced in this decision; and by Mary J. Qualls for herself and her minor children, James, John, Westly, Emperor, Sarah and Ben Qualls. Copies of the testimony of W. W. Wheeler taken in the case of Joseph Bruner et al., Cherokee Freedmen D 1052, are made a part of the record herein.

The principal applicant, George W. Vann, claims right to enrollment as a Cherokee Freedman, alleging that he was, at the commencement of the rebellion, the slave of Jim Vann, a Cherokee citizen. It appears that said Jim Vann was one of the children of Joe Vann, a Cherokee citizen, who owned a large number of slaves, among them being one named George Vann; that some time prior to 1860 Joe Vann was killed and his slaves descended to his children, his daughter, Belliah Vann, coming into possession of George Vann last above mentioned; and that said George Vann was afterwards drowned at Fort Scott, Kansas. The correct name of said principal applicant seems to be George W. McKay, which name he bore from a time long before the war down to about 1877 or later; and it does not appear that said principal applicant was the slave of Jim Vann or any other Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the rebellion.



The evidence further shows that all the other applicants herein were born since the commencement of the rebellion; that their rights to enrollment, if they possess any, are based upon those of said George W. Vann, except the applicants, Elmira Wiggins with her two children, Alberta and Herbert Wiggins, Young Vann with her two children, Ann W. and Gant Vann, Mary J. Qualls with her six children, James, John, Westly, Emperor, Sarah and Ben Qualls, and Isaac B. Vann with his two children, Felix and Catherine Vann, whose rights to enrollment, if they have any, are based upon those of James Vann. The said James Vann, also called Jim Vann in the testimony, was born before the commencement of the rebellion and is a son of the principal applicant. It is alleged that said James Vann was the slave of a Cherokee citizen at the commencement of the rebellion, but it is not proven that he returned to or was residing in the Cherokee Nation at the time of the passage of the Cherokee treaty of 1866 or at any time within six months thereafter; the only evidence tending to show that he did return within such period being that of said George E. Vann, and it is shown by the evidence that the latter was not in the Cherokee Nation, himself, during said period.

None of the names of the applicants herein are found on the 1890 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George W. Vann, his children, Harrison Vann, John Vann and Jane Vann, and his grandchildren, John Vann, Richard Vann, Thomas Vann, Harrison Vann, James Vann, and Peter Vann; Mary J. Youngblood and her children, Sarah A. Howell, Pearly Hill, Coralee Youngblood, Cassie M. Youngblood, Richard Youngblood and Washington Youngblood; Cornelia Hill; Elmira Wiggins and her children, Alberta Wiggins and Herbert Wiggins, Richard Vann (son of George W. Vann); Young Vann, Ann W. Vann and Gant Vann; Isaac B. Vann and his children, Felix Vann and Catherine Vann; and Mary J. Qualls and her children, James Qualls, John Qualls, Westly Qualls, Emperor Qualls, Sarah Qualls and Ben Qualls as Cherokee Freedmen should be denied, under the provisions of section 21 of the act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby, Chairman.  
 " T.B. Needles, Commissioner.  
 " C.R. Breckinridge, Commissioner.  
 " W.R. Stanley, Commissioner.

Muskogee, Indian Territory, this  
 Mar 11 1904.

SECRET

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*File with No 104, Richard Vann*

COMMISSION TO TAKE DEPOSITIONS.

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

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 Granville Crispshaw, John Rudisell, John Henry, and John Weaver as witnesses in a certain application now pending before the Commission to the Five Civilized Tribes for the enrollment as Freedmen of the Cherokee Nation of George W. Vann et al.

THEREFORE, we desire that you cause the said witnesses to come before you; and, first duly swearing them to testify the whole truth in the premises, that you cause them to be examined by 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 witnesses in your presence, setting forth first, the direct questions and answers thereto, and then following with the cross-examination and the answers thereto; and the whole when completed to be read over to the witnesses and by them subscribed; and when you shall have completed the taking of said depositions, then that you send the same without delay, duly certified, with the commission, caption, exhibits, and certificate attached, closed under your seal, with an indorsement 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 Muskogee, Indian Territory.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Date: at Muskogee, Indian Territory,  
this 11th day of April, 1902. By (Signed) T. B. Needles,  
Commissioner.

CAPTION OF DEPOSITIONS.

The depositions of Granville Crispshaw, John Rudisell, John Henry, and John Weaver, taken on the 12 day of May, 1902, between the hours of 8 o'clock A. M. and 6 o'clock P. M., at the office of Harry Pearson, a Notary Public for the County of Sebastian, in the city of Fort Smith, in the State of Arkansas, to be read in evidence in the matter of the application of George W. Vann et al. for enrollment as Freedmen of the Cherokee Nation, pending before the Commission to the Five Civilized Tribes and the Department of the Interior.

NOTICE TO TAKE DEPOSITIONS.

Geo. W. Vann et al, Plaintiffs.) Before the  
Against ) Commission to the Five Civilized  
Cherokee Nation, Defendants.) Tribes, sitting at Muskogee, I. T.

To Messrs. Bell, Hastings and Davenport, Att'ys for the Cherokee Nation of Indians.

You are hereby notified that depositions of witnesses to be read in evidence in the above entitled Cause on the part of the Plaintiff will be taken at Fort Smith, in the County of Sebastian, and State of Arkansas, on the 18th day of May, 1902, between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon; and that the taking of the said depositions if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

{Signed} Geo. W. Vann et al.  
A. S. McRea, Atty. for plaintiffs.

United States of America,  
Indian Territory,  
Northern District.

Personally appeared before the undersigned, a Notary Public in and for the Northern District, Indian Territory, C. W. Vann, having been sworn according to law deposes and states that he made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee Freedman at Fort Gibson, I. T. April, 18th, 1901. That he desires the testimony of witnesses to be taken by depositions as the same is material in his behalf, tending to prove the status of his citizenship as a Cherokee Freedman according to Art 8 of the treaty stipulations of 1866. That the said witnesses are aged and infirm, and can not appear before the Commission in person to testify in his behalf; that the said applicants are non-residents of the Indian Territory. That the names and post office addresses of the said applicants are as follows:

- John Weaver, Fort Smith, Ark.
- John Radisall,
- John Henry,
- Granville Crispshaw,

{Signed} Geo. W. Vann,

Sworn to and subscribed before me this the 26th day of March, 1902.

{Signed} U. L. Jackson

Notary Public.

A. S. McRea, Atty. for Applicants.

OBJECTIONS OF COUNSEL FOR CHEROKEE NATION.

Comes the representative of the Cherokee Nation and appears specially and objects to the taking of any testimony upon the commission issued by the Dawes Commission in this case, for the reason that in the commission and the notice served upon the representative of the Cherokee Nation there was no place fixed in the city of Fort Smith, Arkansas, as to where the depositions would be taken. The representative of the Cherokee Nation appeared specially for this object only, there being no place named in the notice served upon them as to what place they would be taken, excepting designating in the city of Fort Smith, Arkansas, without fixing any place whatever.

2. Because there is no law authorizing the Dawes Commission to issue a commission to any officer to take the deposition of any witness in this case; and because of the further fact that the Dawes Commission is now in open session sitting at four different places in the Cherokee Nation and at one in the Creek Nation, at Muskogee, for the purpose of hearing testimony, and that pending their sessions there is no law authorizing depositions to be used before that body.

3. There is no law in force in the United States authorizing the Dawes Commission to go beyond the geographical limits of the five civilized tribes to take testimony in any case, save and except in the cases what is known as the Mississippi Choctaws.

4. Because the interrogatories are not certified to by the Dawes Commission as having been the interrogatories that were filed before them to be answered upon the hearing fixed on the 12th day of May, 1902.

OBJECTIONS OF COUNSEL FOR APPLICANT.

Comes now the attorney for the applicants and moves that the within motion made by the representative of the Cherokee Nation be stricken from the face of the record, for the reason that the same is irregular and informal.

The deposition of John Kalliehl taken on the 12th day of May, 1902, betw on the hours of 8 o'clock A. M. and 8 o'clock P. M. at the office in the city of Fort Smith, in the County of Sebastian, and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al, Plaintiffs, and the Cherokee Nation of Indians, Defendants now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

- Int. 1. (a) State your name? Ans. John Kalliehl.  
(b) Age? Ans. 51 years old.  
(c) Post Office Address? Ans. Fort Smith, Ark.
- Int. 2. (a) What is your occupation? Ans. Deputy Sheriff, Sebastian Co., Ark.  
(b) Are you acquainted with the plaintiff, or applicant, Geo. J. Vann? Ans. I am.

(c) How long have you known him?

Ans. I have known him nearly all my life, 35 or 40 years, about the close of the war and since.

Int. 3. (a) Where did you first learn to know him?

Ans. I first learned to know him when I commenced to work in my father's store, where he traded, which was in 1864 or 65.

(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the rebellion between the North and the South?

Ans. My understanding was he was a slave of Jim Vann.

(c) To whom did he belong?

Ans. Jim Vann.

Int. 4. (a) Was he a Cherokee Indian by blood?

Ans. Yes; that was always my understanding.

(b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866 - 67?

Ans. During the years 1866 - 67 he lived close to Fort Smith in the Cherokee Nation.

(c) Do you know if he was in the Cherokee Nation, I. T. in the summer of 1866 or the early part of 1867?

Ans. I am not positive, but I am almost sure he was in the Cherokee Nation during that time.

Int. 5. (a) Have you seen and met with the applicant, Geo. W. Vann, after since your first learned to know him?

Ans. Yes, sir; very frequently.

(b) What was the longest period at any one time you ever missed seeing him?

Ans. I don't recall now any time that I missed seeing him for any length of time.

(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?

Ans. I was living in Fort Smith and was working in my father's grocery store.

Int. 6. (a) How long have you lived in the state of Arkansas?

Ans. I was born and raised in the state of Arkansas.

(b) How long in the city of Fort Smith?

Ans. All my life.

(c) Do you know where the applicant, Geo. W. Vann, now resides?

Ans. Yes, sir.

Int. 7. (a) Where?

Ans. Sequoyah District, Cherokee Nation, I. T.

(b) How long has he lived there to your knowledge or information?

Ans. For many years.

(c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war, and was owned by one Jim Vann, a Cherokee Indian?

Ans. Yes, sir; that has always been my...

understanding.

Int. B. (a) Is his statement true that he worked for a Doctor  
Soll in 1866 and for one Bill Campbell in 1867?

Ans. I could not answer as to that.

(b) Do you know whether or not the applicant was living  
on Ben Johnson's place at the beginning of the war near  
Fort Smith?

Ans. I don't know.

(c) State all you know about the applicant?

Ans. I have stated about all I know. I have known him for  
a long time, and he has always been considered all right  
in every way, honest & upright.

(Signed) John Rudisell.

(Endorsed on back as follows:)

DEPOSITION OF JOHN RUDISELL

ORIGINAL.

Doc. V, Tom et al

vs

Cherokee Nation.

United States of America,

Northern District,

Indian Territory.

I received the within interrogatories and copy thereto annexed  
together with three copies thereof on the 8th day of April, 1906, &  
on the 8th day of April, at 10:55 o'clock A. M. I served the  
interrogatories & notice thereof by delivering to Att'ys for Cherokee  
Nation Indians, Messrs. Bell, Martin & Davenport in person a  
true & correct copy of said interrogatories, which were accompanied  
by Doc. V, Tom et al together with a copy of notice accompanying same.

(Signed) Wm. Herring,  
City Marshall.

#### OBJECTION OF ATTORNEY FOR APPLICANTS.

Copies were returned for applicants and objects to the course  
of procedure on the part of the representative of the Cherokee  
Nation for above mentioned, for the reason that representatives  
of the Cherokee Nation had no objection to this testimony being  
taken by interested parties, they having failed to file cross-interro-  
gatories in this matter, and are not the party.

OBJECTION OF COUNSEL FOR CHEROKEE NATION.

Representatives of the Cherokee Nation appear specially and object to the taking of the depositions upon the interrogatories submitted, because there is no showing whatever that they have ever been filed in the office of the Indian Commissioner or the Commission to the Five Civilized Tribes of Indians, as required by the Arkansas law in force in the Indian Territory, and there is no authority shown whatever that the Commission has ever had in their possession the interrogatories sought to be answered; and for the further fact that if the interrogatories have been filed properly the applicant and his attorneys have no right whatever to be present when the same are answered, unless both parties are allowed at the taking.

Thereupon Mr. Davenport, of counsel for Cherokee Nation asked the witness John Reutzel the following question.

Question: When your interrogatories were being answered, was either the applicant, the man who goes by the name of George W. Vann now, or his attorneys, Mr. Edmondson or Mr. McRae present?

WITNESS JOHN REUTZEL: Mr. Vann was not here. He (pointing to Mr. McRae) was here.

CROSS-EXAMINATION.

Q How long have you lived in the city of Fort Smith?

A 51 years.

Q In what part of the city of Fort Smith were you living at the close of the war?

A On Fifth St., with my father.

Q Have you ever known the applicant in this case by any other name than Geo. W. Vann?

A Sometimes they call him Johnson. In my boy days I sometimes didn't know whether his name was Johnson or Vann. I never knew him by any other name than Vann or Johnson.

Q Where was the applicant living when you first got acquainted with him?

A He was living in the territory.

Q How far from Fort Smith?

A Only a few miles.

Q What year, as near as you can remember, did you get acquainted with Geo. Vann?

A At the close of the Civil War, in the year 1865, somewhere about that.

Q What, if anything, impresses it upon you that it was the year 1865?

A Because it was just at the close of the war.

Q In whose place was he living when you first got acquainted with him?

A I couldn't say.

Q Then, if at all, did you first learn the name of the farm on which he was living in the Cherokee Nation?

A I only heard of him living on the Johnson farm within the last few years. He may have been living on the farm all along; I don't know.



Q Do you know of your own knowledge whether the applicant, Geo. Vann, was a slave in the Cherokee Nation belonging to a Cherokee citizen at the breaking out of the Civil War?

A I don't know.

Q Were you old enough at the breaking out of the war to know any of the Cherokee citizens who lived in Sequoyah District, Cherokee Nation?

A No, sir.

Q How long after the close of the war before you became acquainted with some of the Cherokee citizens who lived in Sequoyah District?

(Objected to by Atty for applicant for the reason that the same is incompetent and irrelevant.)

A Some time about the close of the war or a little later.

Q How long did you continue working in your father's store, and how Vann coming and going?

A Ten years from the close of the war.

Q Can you say positively that Geo. V. Vann was living in the Cherokee Nation from the close of the war up to 1872?

A As far as I know he was. I think from that time until 1872 he was living there. After 1874 I quit the store.

Q Do you not know that Geo. V. Vann, the applicant in this case, was living in Roache's Cove near Stevenson, Alabama in 1866-67, and up until 1868, and while living there he married a wife of W. Roach, who now lives at Argenta, Arkansas?

(Objected to for the reason that the question is leading and for the further reason that it does not conform to the interrogatories propounded in the examination in chief.)

A No, sir; in fact I don't know who he is married to now, if he is married.

Q Could he have lived in Alabama in the year mentioned in the last question and you not have missed him?

A There could be such a thing, and that I would not have missed him.

Q Do you know of your own knowledge of his living outside of the Cherokee Nation since you got acquainted with him?

A No, sir.

Q In fact you haven't known much of Vann until recent years have you?

(Objected to for the reason that witness has already stated in his examination in chief and upon his cross-examination thereupon when he first became acquainted with the applicant.)

A Well, I have too. I will state this: After I left the grocery business, and was engaged in other business ten years, from about 1874 to 1884, his face was familiar around here, I would see him come back and forth, speak to him when I would see him. Then there was a lapse of two years that I was absent from the city, after 1884.

Q Are you acquainted with Gabe Payne?

A Yes, sir.

Q How long have you known him?

A I have known him ever since we were both children.

Q Do you know whether or not he is a citizen of the Cherokee Nation and lives in Sequoyah District, Cherokee Nation?

A He lives in the Cherokee Nation across the river from Fort Smith, and I have always understood that he was a Cherokee Indian.

Q How far from Gabe Payne's place in the Cherokee Nation is the place where you first learned Geo. V. Vann lived and?

A I don't know.

Q Gabe Payne would likely know how long the applicant has been residing in the Sequoyah District, would he not?

A (Objected to for the reason that same is irregular & incompetent, it being a mere matter of opinion.)

A I would think he would.

Q Did you ever miss the applicant at all from the time you got acquainted with him for a year at a time?

A I don't think I ever missed him that long. If he was absent, I don't know it.

Q Then you never knew him when he lived in Argenta, Arkansas?

A I never knew he lived in Argenta.

Q Then you have no knowledge whatever of his having been appointed constable of Eastman Township, Pulaski County, Ark., in 1871?

A No, sir.

Q What other colored man did you get acquainted with who lived in the Cherokee Nation just after the close of the war?

A I don't know of anyone that I could call by name now.

Q What Cherokee did you get acquainted with just after the close of the war that lived in the Sequoyah District, Cherokee Nation?

A I don't know that I could name any of them. I am a poor hand anyway to remember names unless I see the person right before me.

(Here the taking of deposition was continued until tomorrow morning, May 13-02, at 8-30 o'clock, it now being 6 o'clock P. M.)

(Signed) H. A. Westman,  
Notary Public.

Tuesday, May, 13, 1902, 9 o'clock A. M.

Cross-examination continued.

John Reutsel, being recalled, testified as follows:

Q Have you any recollection of the names of any parties whom you know lived in Sequoyah District, Cherokee Nation when you first got acquainted with the applicant, Geo. W. Vann?

A The Campbell family and the Johnson family that lived over there, and I remember a family by the name of Vickery.

Q Did you ever know a man by the name of Joe Bowers who lived in the Sequoyah District, Cherokee Nation?

A Yes, sir.

Q Did you get acquainted with Bowers before you did Vann or after?

A After. It was a long time, I would see Bowers come over here before I know him by name.

Q About how long after the war was it that you got acquainted with Bowers?

A I think I got acquainted with Bowers along about 1866, 1867, or 1868.

Q Did you ever know Jim Vann?

A No, sir.

Q Did you ever know Ben Johnson, a Cherokee?

A I don't know that I could say that I remember him.

Q Did you ever know a Mrs. Earl?

A No, sir; the name sounds familiar, but I don't remember.

Q Did you know Mrs. E. D. Bright?

A Yes, sir.

Q Do you know where Geo. W. Vann, the applicant, was living in the summer of 1877?

A I don't know. I saw him here in West Smith back and forth, but I don't know just where he was living in that particular year.

Q. Do you know whether or not in the year 1877 there was a depot or railroad station near the Arkansas River, Sequoyah District, Cherokee Nation?

A. Yes, sir.

Q. Was Gabe Payne living and passing near there this depot was located in 1877?

A. No, sir.

Q. Did you ever know the applicant in this case by the name of Geo. H. Madancy?

A. I never did.

Q. Did you ever know Geo. Johnson, a colored man, who lived in the Sequoyah District?

A. No.

Q. Did you ever know Joe Brown, a colored man?

A. Yes, sir.

Q. Did you know anything of the applicant prior to the year 1877?

A. No, sir.

(Signed) John H. H. H.

The deposition of Granville Crispman taken on the 3 day of May, 1898, between the hours of 9 o'clock A. M. and 3 o'clock P. M. at the office in the city of Fort Smith in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. H. Vann et al plaintiffs and the Cherokee Nation of Indians defendants, now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

Int. 1. (a) State your name  
Ans. Granville Crispman.  
(b) Age?  
Ans. I am 72 years old.  
(c) Post Office Address?  
Ans. Fort Smith, Ark.

Int. 2. (a) What is your occupation?  
Ans. I am unable on account of old age & being a cripple to work.  
(b) Are you acquainted with the plaintiff or defendant, Geo. H. Vann?  
Ans. Yes, sir.  
(c) How long have you known him?  
Ans. I have known him since about 1868.

Int. 3. (a) Where did you first learn to know him?  
Ans. At Leonard's Mill, corner of 4th St & Garrison St, Fort Smith, Ark.  
(b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the Revolution between the States and the Indians?  
Ans. I don't know.  
(c) How long did he live?

- Int. 4. (a) Was he a Cherokee Indian by blood?  
Ans. I don't know.  
(b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1866-67?  
Ans. Yes, sir; I know he lived across the river from Fort Smith in the Cherokee Nation.  
(c) State if you know if he was living in the Cherokee Nation, I. T., in the years 1866-67 and under what circumstances you base your knowledge of that fact?  
Ans. I was working at Kennedy's mill at that time, and Geo. W. Vann would come every Saturday to the mill with corn to have it ground into meal. He generally came in a wagon and generally had with him a Cherokee Indian by the name of Hoge Johnson and I am positive at that time Geo. W. Vann lived in Cherokee Nation.
- Int. 5. Have you seen and met with the applicant, Geo. W. Vann after since you first learned to know him?  
Ans. I have lived in Fort Smith since that time and have seen him often.  
(b) What was the longest period at any one time you ever missed seeing him?  
Ans. I don't think I ever missed seeing him more than one month at any time, or possibly two months.  
(c) Where were you living at the time you first got acquainted with him and what was your occupation at that time?  
Ans. I was living at Fort Smith, Ark., and was engineer at Kennedy's mill.
- Int. 6. (a) How long have you lived in the state of Arkansas?  
Ans. Since 1866, since May, 1866.  
(b) How long in the city of Fort Smith?  
Ans. I came to Fort Smith in 1866 & have lived there ever since.  
(c) Do you know where the applicant, Geo. W. Vann, now resides?  
Ans. Yes, sir.
- Int. 7. (a) Where?  
Ans. In the Cherokee Nation, near Fort Smith.  
(b) How long has he been living there to your knowledge or information?  
Ans. Ever since I have known him, since 1866.  
(c) Is the statement of Geo. W. Vann correct when he states that he was owned by one Jim Vann, a Cherokee Indian, and was a slave in the Cherokee Nation before the war?  
Ans. I don't know.
- Int. 8. (a) Is the statement true he worked for a Doctor Bell in 1866, and for one Bill Campbell in 1867?  
Ans. I don't know, I know he was working for someone in the Cherokee Nation in 1866-67.  
(b) Do you know whether or not the applicant was living on Hoge Johnson's place at the beginning of the war near Fort Smith?  
Ans. No, sir.  
(c) State all you know further about the applicant?  
Ans. I don't know anything further.

{ Endorsed on back as follows: }  
THE DEPOSITION OF GRANVILLE GRIMPENAU

Geo. W. Vann et al  
vs  
Cherokee Nation.

Original

United States of America,  
Indian Territory,  
Northern District.

I received the written interrogatories and copy thereof annexed together with true copies thereof on 8th day of April, 62, at 10-35 o'clock A. M. I served said interrogatories and notice thereof by delivering to Attys for Cherokee Nation Indians, Messrs. Bell, Hastings and Davenport in person a true and correct copy of said interrogatories which were propounded by Geo. W. Vann together with a copy of notice accompanying same.

{ Signed } Mr. Herring,  
City Marshall.

Direct Examination.

- Q How long have you lived in Fort Smith, Ark?
- A Since the 15th of May, 1868.
- Q What state were you raised in?
- A I was raised in Limestone Co., Ala.
- Q How far away live from Beach's Cove in Alabama?
- A I don't recollect. I lived below Huntsville.
- Q Did you ever know the applicant by any other name than Geo. W. Vann?
- A No, sir.
- Q Did you know the applicant while he was living in Alabama?
- A No, sir.
- Q Did you know the applicant while he was living in Argenta, Ark?
- A No, sir.
- Q Has he ever lived with his family outside of the Cherokee Nation since you got acquainted with him?
- A I don't know, sir.
- Q That makes you remember that it was May 15, 1868, when you came to Fort Smith, Ark?
- A Because I know what year I come here, but not after the surrender.
- Q With whom did you come when you came to Arkansas?
- A They I come from Fort Gibson, L. V. here by myself. I came here from Strickland with a man by the name of Andy Campbell, whom I met at Fort Gibson. I was on my way from Texas.
- Q How did you come with from Texas to Fort Gibson?
- A I came with a man by the name of Wiley Sam Gordon, Tex., to Ft. Gibson.
- Q Where were you when the war closed?
- A I was in Redstone, Tex.
- Q Were you a slave before the war?
- A Yes, sir.
- Q You and now are you a member of the Cherokee Nation?
- A No, sir.
- Q How long have you lived in the Indian Territory since you came here with Geo. W. Vann?
- A I don't know, sir.
- Q How long have you lived in the Indian Territory since you came here with Geo. W. Vann?

Q What became of Andy Campbell?

A He went back to Kansas, so I was informed.

Q How did you travel when you came from Houston to Fort Smith?

A By wagon; and I got here May 15-1866.

Q Do you know whether or not when you came to Fort Gibson the Cherokee Darkies were returning to get their right under the treaty which gave them a right to a portion of the lands and property belonging to the Cherokee tribe of Indians?

A I don't know.

Q What other colored man who lived in the Cherokee Nation besides the applicant did you get acquainted with in 1866?

A I knowed old man Jack Campbell who is dead now.

Q What Cherokees or white men who lived in the Cherokee Nation did you get acquainted with?

A I can't recollect them now.

Q On what place was Geo. W. Vann living in the Cherokee Nation when you got acquainted with him?

A I don't know.

Q How do you know he was living in the Cherokee Nation at all that time?

A I just know it by his coming from there here to the mill.

Q Where was the mill located from where the ferry was on the river at that time?

A Right on the corner of Fourth Street and Garrison Ave, in Fort Smith.

Q Did the applicant Geo. W. Vann bring corn to the mill to be ground in 1866 shortly after you came to Fort Smith in 1866?

A Yes, sir.

Q Whose mill were you working at?

A Jerry Kennedy's.

Q Is any of the Kennedy family living now?

A Yes, sir; Kennedy's wife is living. Mrs. Kennedy lives on Fifth Street and B Street in Fort Smith, Ark.

Q Did you ever visit the applicant in the Cherokee Nation?

A No, sir.

Q Do you know where he lives now?

A I don't know.

Q With what other colored man did you get acquainted with in Fort Smith besides the applicant?

(Objected to by Atty for applicant for the reason that the question is irrelevant and incompetent and has no bearing upon the question at issue, the witness being called upon to testify of his knowledge and acquaintance of the applicant, Geo. W. Vann.)

A Joe Robinson he was here when I came here, instead of Fryer. I don't remember any others now. I also know Wesley Lewis.

Q Have you ever testified in this case before?

A No, sir.

Q When were you first spoken to about being a witness in this case?

A I think about a week ago, or say so two weeks.

Q Didn't you tell him then what you knew about the case?

A I didn't give him much answer. I kind of laughed at him.

Q Have you any reason that gives you any cause for you as to when you came to Fort Smith, Ark?

A No, sir.

Q Then without any record, and after a lapse of 36 years, you undertake to give the month and the day of the month that you arrived in Fort Smith, Ark?

A Well, I counted it when I came here, I kept count when I was on the road how long it took me to come here, and that is how I recollect.

Q How long was you on the road?

A I was on the road 15 or 16 days.

Q When did you start?

A I started on the 1st day of May.

Q When you left Bonham did you leave to come to Fort Smith?

A Yes, sir.

Q What year is this winter?

A I don't recollect.

Q What year was the Brooks Baxter war?

A I don't know.

Q What year was the federal court building that is now occupied here built?

(Objected to for the reason that witness is called upon to testify as to his knowledge and acquaintance of Geo. W. Vann, the applicant, and not as to the commencement of the Brooks Baxter war and the time as to the erection of the federal court building at Fort Smith, Ark.)

A I don't remember the year it was built.

Q Who was the federal court judge holding court here when you came to Fort Smith?

A There was none here. The Federal court was then in Van Buren,

his  
Granville x Greenwood,  
Ark.

Witness:-

(Signed) W. A. [Name]

The deposition of John Henry taken on the \_\_\_\_\_ day of \_\_\_\_\_ 1907, between the hours of 8 o'clock A. M. and 6 o'clock P. M. at the \_\_\_\_\_ of \_\_\_\_\_ in the city of Fort Smith, in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al Plaintiffs, and the Cherokee Nation of Indians, defendants now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

Int. 1. (a) State your name  
(b) Age?  
(c) Post office address?

Int. 3. (a) What is your occupation?  
(b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann?  
(c) How long have you known him?

Int. 4. (a) Where did you first learn to know him?  
(b) Was he at home in the Cherokee Nation, Indian Territory during the time of the rebellion between the North and the South?  
(c) To what did he belong?

- Int. 4. (a) Was he a Cherokee Indian by blood?  
 (b) Do you know of the whereabouts of the applicant, Geo. W. Vann, during the years 1868-67?  
 (c) Do you know if he was in the Cherokee Nation, I. T. in the summer of 1868 or the early part of 1867?
- Int. 5. (a) Have you seen and met with the applicant, Geo. W. Vann, often since you first learned to know him?  
 (b) What was the longest period at any one time you ever missed seeing him?  
 (c) Where were you living at the time you first got acquainted with him, and what was your occupation at that time?
- Int. 6. How long have you lived in the State of Arkansas?  
 (b) How long in the city of Fort Smith?  
 (c) Do you know where the applicant, Geo. W. Vann, now resides?
- Int. 7. (a) Where?  
 (b) How long has he resided there to your knowledge or information?  
 (c) Is the statement of Geo. W. Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann, a Cherokee Indian?
- Int. 8. (a) Is his statement true that he worked for a Doctor Hall in 1862 and for one Bill Corbett in 1867?  
 (b) Do you know whether or not the applicant was living on Bill Johnson's place at the beginning of the war near Fort Smith?  
 (c) State all you know about the applicant?

(Enclosed on back are follows:)  
 Deposition of John Henry.  
 Original.

Geo. W. Vann et al  
 vs  
 Cherokee Nation.

United States of America,  
 Indian Territory,  
 Northern District.

I received the within interrogatories with copy and duly answered together with true copies thereof on 24th day of April, 1868.



at 10-35 o'clock A. M. I served said interrogations and notice thereof by delivering to Attys for Cherokee Nation Indians, Messrs. Bell, Hastings and Davonport in person a true and correct copy of said interrogatories, which were propounded by Geo. W. Vann et al together with a copy of notice accompanying same.

(Signed) Wm. Herring,  
City Marshall.

The deposition of John Weaver taken on the \_\_\_\_\_ day of \_\_\_\_\_, 1902 between the hours of 9 o'clock A. M. and 6 o'clock P. M. at the \_\_\_\_\_ office in the city of Fort Smith, in the County of Sebastian and State of Arkansas to be read as evidence in an action between Geo. W. Vann et al plaintiffs, and the Cherokee Nation of Indians defendants, now pending before the Commission to the Five Civilized Tribes sitting at Muskogee, Creek Nation, Indian Territory.

- Int. 1. (a) State your name?
- (b) Age?
- (c) Post Office Address?
- Int. 2. (a) What is your occupation?
- (b) Are you acquainted with the plaintiff or applicant, Geo. W. Vann.
- (c) How long have you known him?
- Int. 3. (a) When did your first learn to know him?
- (b) Was he a slave in the Cherokee Nation, Indian Territory before the war of the rebellion between the North and the South?
- (c) To whom did he belong?
- Int. 4. (a) Was he a Cherokee Indian by blood?
- (b) Do you know of the whereabouts of the applicant, Geo. W. Vann during the years 1866-67?
- (c) State if you know, if he was living in the Cherokee Nation, I. T. in the years 1866-67, and under what circumstances you have your knowledge of that fact?
- Int. 5. (a) Have you seen and met with the applicant Geo. W. Vann after since you first learned to know him?
- (b) What was the longest period at any one time you ever missed seeing him?
- (c) Where were you living at the time you first got acquainted with him, and what was your occupation at that time?

Int. 6. How long have you lived in the State of Arkansas?

(b) How long in the city of Fort Smith?

(c) Do you know where the applicant, Geo. F. Vann, now resides?

Int. 7. (a) Where?

(b) How long has he lived there to your knowledge or information?

(c) In the statement of Geo. F. Vann correct when he states that he was a slave in the Cherokee Nation before the war and was owned by one Jim Vann, a Cherokee Indian?

Int. 8. (a) Is his statement true that he worked for a Doctor Bell in 1868, and for one Bill Campbell in 1871?

(b) Do you know whether or not the applicant was living on Ben Johnson's place at the beginning of the war near Fort Smith?

(c) State all you know about the applicant?

(Endorsed on back as follows:)  
Deposition of John W. Vann.  
Original.

Geo. F. Vann et al.

Geo. W. Vann et al.

vs

Cherokee Nation,

United States of America,  
Indian Territory,  
Northern District.

I received the within interrogatories and copy thereof annexed together with true copies thereof on 8th day of April, 02, at 10-25 o'clock A. M. I served said interrogatories and notice thereof by delivering to Attys for Cherokee Nation Indians, Messrs. Bell, Hastings & Davenport in person a true and correct copy of said interrogatories which were propounded by Geo. F. Vann et al. together with a copy of notice accompanying same.

(Signed) Wm. Herring,

City Marshall.

C E R T I F I C A T E.

United States of America,)
County of Sebastian, ) ss.
State of Arkansas. )

I, Harry A. Foestman, a Notary Public within and for the County of Sebastian, State of Arkansas, do certify that the foregoing depositions of Granville Crimshaw, John Radisell, John Henry, and John Weaver, were taken before me and read to them in my presence, at the time and place and in the action mentioned in the caption, the said Granville Crimshaw, John Radisell, John Henry, and John Weaver, having been duly sworn by me that the evidence they should give herein, should be the truth, the whole truth, and nothing but the truth, and their statements were reduced to writing by me in their presence (or by them in my presence), the applicant being present at the examination, and counsel for both the applicants and Cherokee Nation 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 the seal of office on this the 15th day of May, A. D., 1902.

(SEAL) (Signed) H. A. Foestman,
(Here affix seal.) 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, and the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 16th day of Aug., 1902.

B. Jones
Notary Public.

24

LAD 169

COMMISSION OF THE INTERIOR, DEPARTMENT OF THE INTERIOR

FILED

MAY 19 1902



# **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. Richard Vann,

Benge, I.T.

Cherokee F-D-169

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B. J. S. 167

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 24 1901

*[Signature]*  
ACTING CHAIRMAN

CHEROKEE FREEDMEN

167

CHEROKEE FREEDMEN.

Date April 24, 1901

Post Office Rye, S.C.

District Siquoyah

1. Name <sup>30</sup> Richard Vann

Age 30

Owner's name

Year ~~145~~ Page 145 No. 3027 District Siquoyah

Parents:

Father Geo. W. Vann - living Citizenship C. F.

Mother ~~W. Vann~~ - dead Citizenship C. F.

2. Name of wife

Age

Owner's name

Citizenship

Year Page ~~145~~ 145 No. 3027 District Siquoyah

Parents:

Father Geo. W. Vann Citizenship C. F.

Mother W. Vann Citizenship C. F.

Names of Children:

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

Application made by Geo. W. Vann Stenographer R. B. Jones

X Ref to Geo. W. Vann's case

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, October 10, 1904.

Land.  
20181-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokees freedmen by George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill and Coralee, Cassie M. Richard and Washington Youngblood; by Cornelia Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Emperor, Sarah and Ben Qualls.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, George W.



Vann, whose correct name seems to be George W. McKinny, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The evidence shows that all of the other applicants were born since the beginning of the rebellion and any rights to enrollment they possess are derived from the same George W. Vann.

None of the names of the applicants is found on the 1860 authenticated Cherokee roll.

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

Very respectfully,

H. H. H.  
V.

Acting Commissioner.

Copy.

JF Jr.  
LIS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 48730-1906.  
I.T.D. 10192-1904.  
11672- "  
IRS.

November 3, 1906.

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

Sir:

On October 10, 1904 (Land 20181), the Indian Office transmitted a report of the Commission to the Five Civilized Tribes dated March 27, 1904, forwarding the record in the matter of the consolidated applications of George W. Vann for himself, his three children, Harrison, John and Jane Vann, and his six grandchildren, John, Richard, Thomas, James and Peter Vann; by Mary J. Youngblood for herself and her six children, Sarah A. Howell, Pearly Hill, and Coralee, Cassie E. Richard, and Washington Youngblood; by Gertrude Hill for herself; by Elmira Wiggins for herself and her two minor children, Alberta and Herbert Wiggins; by George W. Vann for his adult son, Richard Vann; by Young Vann for himself and his two minor children, Felix and Catherine Vann; and by Mary J. Qualls for herself and her minor children, James, John, Wesley, Reperer, Sarah and Ben Qualls, for enrollment as Cherokee freedmen, together with its decision dated March 11, 1904, adverse to all of said applicants. The Indian Office concurred in the decision of the

Commission. A copy of its letter is inclosed.

On November 14, 1904 (Land 77695), the Indian Office also forwarded a communication from the attorneys for the applicants, transmitting a motion to reopen said case and hear additional testimony. A consideration of said motion develops the following facts:

The rights of all the applicants in the case are found by the Commission to depend upon the right of the principal applicant, George W. Vann, except applicants claiming by intermarriage and the descendants of James Vann, known as Jim Vann, the son of George W. Vann, who it is alleged was the slave of a Cherokee citizen at the commencement of the rebellion, and returned within the period prescribed in the Cherokee treaty. The decision of the Commission is based upon the claim of George W. Vann that he is entitled to enrollment by reason of the fact that at the commencement of the rebellion he was the slave of a Cherokee citizen, one Jim Vann, and that he returned to or was residing in the Cherokee Nation within the six months named in the treaty of 1866.

In the consideration of this case a large amount of testimony has been introduced by both the applicants and the nation, based on the above contention. It is now alleged in the motion of the applicants that George W. Vann was a free colored person residing in the Cherokee Nation at the commencement of the rebel-

lien, and that his son, James Vann, was also a resident of the Cherokee Nation prior to the war. It is further alleged that there was a confusion of names in this case by reason of the fact that Jim Vann, the son of Josh Vann, a Cherokee by blood, was chosen by George W. Vann as his protector previous to the rebellion.

It is also stated that the Commission erred in holding that the applicants should prove their return on or before the 10th day of January, 1867, instead of February 11, 1867.

The Department has considered the motion, together with the arguments filed in reference thereto. The affidavits filed in support of the motion are vague and unsatisfactory. It does not appear from the record that the applicants returned to and established a bona fide residence within the Cherokee Nation prior to February 11, 1867, as is required to be shown by the act of April 26, 1866 (34 Stat., 157), in Cherokee freedmen cases.

It is not apparent that the principal applicant can overcome the adverse effect of the decision of the Cherokee Citizenship Commission created by the Cherokee act of 1877, which decision is dated May 2, 1878. The act creating the commission provides as follows:

"The commission on citizenship shall have cognizance of and exercise complete jurisdiction over all cases arising under the constitution and laws of the Cherokee Nation involving the right of citizenship as hereinafter specified."

Judge Springer in an opinion in reference to Cherokee citizenship, stated--

"In all cases wherein it appears that applicants for citizenship in the Cherokee Nation filed their claims before the proper tribunal or commission and in all cases where the tribunal or commission acting within the scope of its jurisdiction as prescribed by the law of the Cherokee Nation, and admitted such persons to citizenship, this court will regard such cases as adjudicated, and in all cases where such applicants were rejected, the same rule will apply. In order to set aside such adjudications, whether in favor or against such applicants, it must be made to appear to this court, either that the tribunal or commission acted without jurisdiction, or that the decision of the commission was procured by fraud."--(First Dawes Commission Report, page 128).

The decision of the Citizenship Commission is not attacked by the applicant. He must also overcome the strong suspicion of fraud raised by his former testimony.

In view of these facts, it is not deemed proper to put the Government, the nation, and the applicants to the expense of a further hearing.

The motion is hereby denied. The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, adverse to the applicants, is affirmed.

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

Respectfully,

B. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

Cherokee F.  
D.169.

Muskogee, Indian Territory, November 14, 1906.

Richard Vann,  
Benge, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment, as a Cherokee freedman, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen your case, denied.

Respectfully,

Commissioner.

LMC

Cherokee F.  
D.118 et al.

Muskogee, Indian Territory, November 14, 1906.

A. S. Moran,  
Attorney for George W. Vann, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1906, rejecting the applications of George W. Vann, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Incl. C-29  
LMO

Commissioner.

Cherokee F.  
D.115 et al.

Muskogee, Indian Territory, November 14, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications of George W. Vann, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 3, 1906, and the motion to reopen said case, denied.

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

Respectfully,

Commissioner.

Incl. C-23  
LMS



Cher. Fr. R-844

Cher. Fr. R-844

Trans. from Cher. Fr. D-171



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ft. Gibson, I. T., April 25, 1901.

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

- Q What is your name? A Emily Vann.  
Q How old are you? A I don't know exactly how old I is.  
Q About how old? A I couldn't tell; I was eight years old when the emigrants come to this country that is all I can tell.  
Q Well, you are about 70 then, aint you? A I guess so.  
Q What is your postoffice? A Fort Gibson.  
Q What district do you live in? A Illinois.  
Q Did anybody apply to have you enrolled? A No sir.  
Q What is your husband's name? A I aint got no husband; he's dead; Crow Vann was his name.  
Q What was your mother's name? A Debbie.  
Q Were you a slave during the war? A Yes sir.  
Q What was your owner's name? A Will Thompson.  
Q He's dead now; he lived at Webbers Falls.  
Q What is your father's name? A Joe Halfbread. I got my old man's name.  
Q Did you ever go by any other name besides Vann? A Thompson sometimes. I always enrolled Emily Vann.  
Q Who do you want to enroll besides yourself? A Just myself.  
Q Were you a slave during the war? A Yes sir.  
Q What was your owner's name? A Will Thompson, I told you.  
Q Is he living? A He's dead.  
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where to? A Fort Scott.  
Q When did you return to the Cherokee Nation? A I been back 28 years; I was in the asylum then; I couldn't get back any sooner.  
Q What kind of an asylum? A Osawatomic Asylum for crazy folks.  
Q You got back 28 years ago? A Yes sir.  
Q Crow Vann was your husband? A Yes sir, and he's dead.  
Q That was your husband's name before the war? A I was his wife before the war.  
Q You were his first wife? A Yes sir.  
Q You didn't get back here in '68? A No sir, I couldn't; I was in the asylum.

The tribal rolls of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw strip money? A No sir, they claimed they couldn't find my name.  
Q You lived in the Cherokee Nation all the time since you come back 28 years ago? A Yes sir, down here in town.  
Q Where were you born? A In Nashville, Tennessee.  
Q Did you come here when the Indians come? A Yes sir, come with them and lived with them all my life.  
Q Until the time of the war? A Yes sir.  
Q Then you were taken to Kansas? A Yes sir.  
Q Anybody here knows anything about you? A That was there.

Polly Ross, being sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A Polly Ross.  
Q How old are you? A About 23 or 4.  
Q What is your postoffice? A Ft. Gibson.  
Q You know Emily Vann? A Yes sir.  
Q Well, tell what you know about her? A I knowed she belonged to Will Thompson all of her life.  
Q She was taken out of the nation during the war? A Yes sir.  
Q Will Thompson is my half brother.  
Q Was she in the Kansas asylum? A Yes sir.  
Q Where? A In Kansas.  
Q What place? A I don't know what place.  
Q You know when she returned? A So sir, she's telling you about

right. I heard of her returning; I didn't see her.

The name of Sally Swan cannot be found upon any of the rolls now in the possession of this commission; she avers she was a slave of Will Thompson and was taken out during the war and was placed in an insane asylum, Gevatoxic, Kansas, and she returned to the Cherokee Nation 28 years ago; she avers that she returned as soon as it was practicable on account of the condition of her mind. Her name will be placed upon a doubtful case for further consideration.

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.

Subscribed and sworn to before me this 25th day of April, 1901.

  
  
Commissioner.

FOR THE YEAR 1901  
RECEIVED  
MAY 1 1901

*J. J. 17*

*C.*

DEPARTMENT OF THE  
TREASURY  
OFFICE OF THE COMMISSIONER  
WASHINGTON, D. C.  
APR 30 1901

*[Signature]*  
ACTING COMMISSIONER

RECEIVED  
MAY 1 1901

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T. April, 29th 1901.

In the matter of the application of Emily Vann et al. SUPPLEMENTAL B.171

BY COM'R BRECKINRIDGE,-

The Cherokee Nation through its attorney presents a certificate of the Marshal of the Cherokee Nation, which certifies that notice has been served upon Emily Vann that testimony would be introduced on April 29th and 30th to disprove her right to enrollment as a Cherokee Freedman at the office of the ~~General~~ United States Commission to the Five Civilized Tribes at the town of Fort Gibson, I. T.

B. H. BENSE, called and sworn by Commissioner C. R. Breckinridge, testified as follows on behalf of the Cherokee Nation

EXAMINED by J. S. Davenport, Cherokee Representative:

- Q Are you acquainted with Emily Vann? A. Yes sir.
- Q How long have you known her? A. She came here after '68 and I have known here ever since.
- Q She came here then some time in '68? A. Yes sir.
- Q Do you know to whom she belonged to during and before the war? A. I don't know
- Q All you know is that she came here after '68? A. Yes sir.

By the Commission:

- Q What fixes that in your mind? A. I was living here and she came here to see me.
- Q When did she come here? A. I was a delegate to Washington to help make the treaty of '66 and I came back in '66 and it was a couple of years after that she came.
- Q Where were you living when you came back from Washington? A. In Sequoyah and I came here to this place in '67 and bought some property and moved right here and have been here ever since.
- Q And after that this woman came here? A. Yes sir'
- Q How long after? A. Some little while.
- Q How do you know that she had not been here previously? A. When she came she came to see me and wanted to know if there was any show for her to get on the rolls, and if it was too late.
- Q Where was she from? A. She said Kansas.
- Q What was the reason, did she say, that she had not returned in time? A. She didn't say.
- Q Did she say that she was in the Asylum? A. No sir, I never heard her say, have heard it from other sources.
- Q Do you know that she was affected in her mind? A. No sir I think can't know of my own knowledge.

\*\*\*\*\*

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

*Chas von Weise*

Subscribed and sworn to before me this the 29th of April, 1901 at Fort Gibson, I. T.

Commissioner.

Enclosed are two copies of the same as per the order of December 1904.

*John H. ...*

of her stenographic notes placed.  
per. 1904, they are placed in a letter, plus and collect themselves.  
the space and keeping procedure may on the 25th day of Decem-  
ber to the Commission to the five following letters, and referred  
only that being that they were shown before that as required.

6 In the instance of this  
and was no more of it.

6 In the instance of this  
and was no more of it.

**FILED**  
NOV 10 1904  
COMMISSION TO FIVE TRIBES

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6 In the instance of this  
and was no more of it.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, December 22, 1904.

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

It appears from the record herein that on December 1, 1904, the applicant, Emily Vann, was notified by letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 22nd day of December, 1904, and introduce testimony touching the points mentioned in said letter. Upon this date the applicant appears by attorney, A. S. McRea, Cherokee Nation by W. W. Hastings.

MARTHA PHILLIPS, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Martha Phillips.  
Q Where do you live? A Near Chouteau, Saline District.  
Q How old are you, Mrs. Phillips? A About 55.  
Q You were a slave of a Cherokee citizen at the beginning of the rebellion? A Yes, sir.  
Q Where do you live? A Webber Falls.  
Q What is your mother's name? A Emily Vann.  
Q Is she living? A Yes, sir.  
Q Where does she live? A She lives with me.  
Q Were you living with your mother at the beginning of the rebellion? A Yes, sir.  
Q Was your father living? A No, sir, my father was dead.  
Q Then where did you go? A To Fort Scott.  
Q With whom did you go? A My mother.  
Q Did you return to the Cherokee Nation after the rebellion?  
A Yes sir.  
Q Did your mother return with you? A No, sir, she didn't.  
Q Can you tell me when was the first time to your knowledge Mrs. Phillips, that your mother, Emily Vann, was in the Cherokee Nation after the rebellion? A As near as I can remember it was a year or so after the rebellion, after the '66 treaty.  
Q She came to the Cherokee Nation after you did? A Yes sir.  
Q How long after you returned was it until your mother came?  
A Well a year or so, as well as I can remember.  
Q I will ask you what is the condition of your mother's mind?  
A My mother's mind is not good, she has paralysis and can't talk, can't walk, no mind at all, can't understand anything.  
Q Were you living with your mother in the State of Kansas during the war? A When we went there together I lived with her.  
Q When did your mother's mind first become deranged? A She showed symptoms before we left here, before we left the Territory.  
Q And what time did you leave the Territory? A In the fall of '64.  
Q In the fall of '64 you left the Cherokee Nation? A Yes, sir.  
Q Well how was your mother's mind at that time? A Well she showed a weakness of her mind and her mind would leave her, she had a good deal of trouble.  
Q She was able however, to transact business and look after herself and children? A No, not very much, she was in bad shape and not able to do anything at that time.



- Q When did your mother first become an inmate of the asylum in Kansas? A I don't exactly remember just when. You see I left her there in Kansas and come back here, I don't remember just when, I can't remember exactly.
- Q She was an inmate of the asylum when you left there? A Yes, sir.
- Q And she hadn't been an inmate prior to the time you claim she returned to the Cherokee Nation after the war? A She came here when I was here and came from the asylum she said.
- Q Well do you mean that was the time you testified after you returned? A Of course we were slaves then, I am not positive. It was a year or so after I came back.
- Q Well your mother didn't get here within the time in which you understood freedmen should return to the Cherokee Nation after the war? A No sir, she was insane, she couldn't come.
- Q Your mother testified on April 25, 1901, before the Commission that she had been back 28 years at that time. That would make her return about '73, do you think that is about the time?
- Q No, sir, she had come back before that. Mother didn't know her mind because she couldn't walk or anything.
- Q She had been back once before that? A Yes, sir.
- Q Well when was it she came back to the Cherokee Nation to live?
- A Long before any of the payments were made, she was here before they paid any money out.
- Q Do you know how long your mother was in the asylum? A No, sir, I don't know how long, I can't remember just how long, although she came home as quick as she got out.
- Q Your mother would be incompetent to testify to these facts if she was here? A Yes sir, she couldn't tell, she would tell one thing one time and another thing another time.
- Q She has no mind relative to these facts at all? A No, sir, she has forgotten nearly everything, she is 76.

BY MR. HASTINGS:

- Q Your mother married when she went to Kansas? A She had been married before she went to Kansas.
- Q Did she marry after she went to Kansas? A No sir. She never had but one husband all the time.
- Q With whom was she living when you left her in Kansas? A I left her with a woman by the name of Chaney Shrimpsher.
- Q They were living in Fort Scott at the time? A Yes, sir.
- Q You couldn't tell then what date she was sent to the asylum?
- A No, sir.
- Q To what asylum did she go? A Ossawatomie.
- Q They still have the asylum there? A Yes, sir, I guess so.
- Q What name did she go by? A Vann.
- Q What name did she go by then? A Thompson.
- Q Emily Thompson? A Yes, sir.

Comes now the representatives of the Cherokee Nation and moves the Commission to write the authorities at the asylum given by the witness, ascertaining when the applicant was confined in the asylum and when she was liberated.

BY THE COMMISSION: The inquiries shall be made by the Commission as requested by the attorneys for the Cherokee Nation.

- Q You don't have an idea what year she returned to the Cherokee

Nation? A No sir, I don't, I am not positive, she came before any payment.

Q When was the first payment? A I don't know, I am unable to tell just when the first payment was, I don't remember, when was it?

Q You see I am not on the stand and this goes in the record and I want you to tell? A I don't know just when it was.

Q Do you know when the second payment was made? A The second payment was made in '70 sometime.

Q I might state for your information that the first payment was made in 1875, you are not prepared to dispute that are you?

A I said she was here before that. I am not prepared to dispute that, I am not disputing anything of the kind.

Q Well then if she testified that she came in 1873 you think it is correct? A I don't know, I can't keep no record.

Q You don't know then what year she was in the asylum? A No, sir

Q And you don't know what year she got out? A No, sir, I don't.

Q You don't know how long she remained in the asylum? A No, I don't know.

Q She had never been before in the asylum when you left Kansas?

A No, sir, she was crazy then.

Q Was Chaney Shrimpsher any relation of hers? A An old acquaintance of hers from the Territory here.

BY MR. McREA:

Q Did you state that the first time you saw your mother back in the Cherokee Nation was some one or two years after you came? A Yes sir.

Q Mrs. Phillips I believe you stated that you returned to the Cherokee Nation in the year 1866? A Yes sir.

Q Has your mother resided continuously in the Cherokee Nation since that time? A Ever since she came back to stay she has been right here and no place else.

BY MR. HASTINGS:

Your mother didn't come back to stay then the first time?

A No, sir.

Q How long did she stay the first time? A She stayed awhile.

Q Well how long, a week? A Longer than that.

Q About how long? A A month or so.

Q Did she come by herself? A She came in a wagon with other people, teams were coming back and forth hauling goods there.

Q She stayed a little while and went back? A Yes she had a boy there and she had to go back and take care of him.

Q About how long was it until she returned the next time? A Well I don't know, that is one thing I can't tell.

Q What is your best judgement? A Well I have given my best judgement.

Q I am trying to get it right now? A I have already given it, it might have been a couple of years ago or not so long.

Q Did she come last time to stay? A Well a couple of years, no it wasn't so long as that.

Q One year? A Probably one year, I wouldn't be positive of anything, I hate to say positive.

Q Well now she only came one time before she came last time to stay? A One time to my knowledge.

Q And that was about a year, probably two years, before she came to stay? A I don't know that it was two years, it might have been, I couldn't keep no records, I was an ignorant girl and didn't

knew no dates and didn't know I would have to testify to it.  
 Q But this was after she had been confined in the asylum? A Yes sir.  
 Q Had she been confined in the asylum the first time she came?  
 A No, I don't know, I don't think she had been the first time, but she was crazy and couldn't transact any business.  
 Q Who did she go back with? A In a wagon with some people traveling back and forth.  
 Q Who? A I don't remember just exactly now.  
 Q You don't remember who she came with here? A No, sir, I don't.

BY MR. McKEA:

The attention of the Commission is called to the testimony of S. H. Bengo, who testified in behalf of the Cherokee Nation at Fort Gibson, Indian Territory, on April 29th and 30th 1902, in this case.

Q Where does your mother live? A With me at Chestnut.  
 Q She has been called upon by the Commission to appear here today and give testimony in her behalf. State to the Commission here that your mother is unable to attend and appear before the Commission? A Well she has paralysis, can't walk, can't talk and has no mind at all.  
 Q Is she insane at this time? A Yes sir.

CASE CLOSED.

Opal Griggs being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above and foregoing proceedings had on the 22nd day of December, 1904, that the above is a full, true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 23rd day of December, 1904.

Charles H. Karpis

Cherokee Freedmen D 171.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R.T.D.

In the matter of the application of Emily Vann for enrollment as a Cherokee freedman.

DECISION.

The record in this case shows that on April 26, 1901, Emily Vann appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 29, 1901.

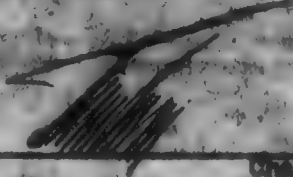
The evidence shows that the said Emily Vann was a slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken to the State of Kansas and while there she was confined in an asylum for the insane at Osawatomie, Kansas, where she remained until 1873; that immediately after her release from said asylum she returned to and re-established her residence in the Cherokee Nation. The name of said applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

In an opinion of the Assistant Attorney General of June 8, 1901, approved by the Department, it was held: "Presumably the questions intended to be submitted are whether the state of unconscious mind in the one case and of infancy in the other exempted these applicants from the limitations upon the time within which applications for citizenship by persons not on the tribal rolls were required to be made by the act of June 10, 1896. If so, my answer is in the negative. There is nothing in the legislation of Congress upon which such an exemption can be predicated."

By analogy to the above it is considered that the insanity of the applicant would not exempt her from a compliance with the provisions of the treaty of 1866, with respect to the return of freedmen to said nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Emily Vann as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 20, 1895 (28 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



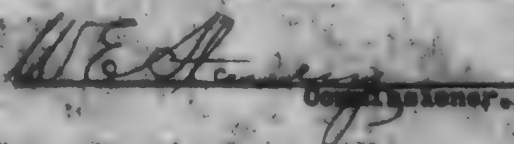
Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, T.T.

this MAR - 5 190

Cherokee Freedman B 173

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

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

-----

DECISION.

IT APPEARS FROM THE RECORD HEREIN: That, on April 25, 1901, Nally Vann appeared before this Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman.

The record further shows that on March 5, 1904, the Commission rendered its decision in the matter of the above application, in which the applicant was denied enrollment as a Cherokee freedman. Said decision, together with the record, was forwarded to the Department, and, as shown by Departmental letter of October 29, 1904 (I. T. D. 1894-1904-10154-1904), made a part of the record herein, was remanded for further investigation and readjudication. Further proceedings were had in the matter of said application, at Muskogee, Indian Territory, December 22, 1904.

IT APPEARS FROM THE EVIDENCE IN THIS CASE: That it is contended on behalf of the applicant, that she was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said war she was taken to the State of Kansas, and because of her confinement in the asylum for the insane at Shawnee, Kansas, she was unable to return to the Cherokee Nation within the time prescribed by the treaty of 1866, and that, after her release from said asylum, she did return to said Nation as soon as practicable.

The evidence, however, shows that Emily Vann was the slave of a Cherokee citizen at the commencement of the war of the rebellion, that during said war she was taken to the state of Kansas, that her first return to the Cherokee Nation after said war was about 1868, and at that time she had not been an inmate of any asylum, and that she remained but a short time in the Cherokee Nation, when she returned to Kansas. A letter filed herewith and made a part of the record in this case, from the Superintendent of the asylum for the insane, at Osawatomie, Kansas, shows that said Emily Vann was an inmate in said asylum from July 21, 1871, to November 2, 1882, when she was discharged, restored. The evidence does not show that prior to her return to the Cherokee Nation in 1868 she was suffering from any mental or physical disability which rendered it impossible for her to return within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation.

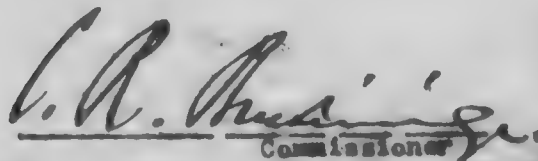
The name of the applicant cannot be identified on the 1880 authenticated Cherokee roll.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the application made for the enrollment of Emily Vann as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory,  
this                      JUN 30 1905





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

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

Cherokee F. V. 171.

(I. T. B 4494-1904.)

Argument on part of the Cherokee Nation.

The Cherokee Nation desires to protest against the enrollment of the  
applicant for the reason that it is admitted that the applicant did not  
return to the Cherokee Nation until 1878, whereas the treaty required all  
Freedmen to return to the Cherokee Nation within six months after the rati-  
fication of the Treaty of July 19, 1866 and this has been held by the  
Department to mean within six months after the promulgation of said treaty  
which makes the time expire February 11, 1867.

The Cherokee Nation contends that this applicant never had any rights  
to forfeit; that if she ever could have acquired any it is by virtue of  
her complying with the provisions of the Treaty of 1866 and it is admit-  
ted by the Department that she did not return to the Cherokee Nation until  
1878.

We submit that practically the same question was passed upon by the  
Assistant Attorney general on June 8th 1901 when the Honorable Assistant  
Attorney general answered as follows:

"Presumably the questions intended to be submitted are as follows:  
First, Whether the state of unound mind in the one case and infancy in  
the other exempt these applicants from the limitation upon the time within  
which applications for citizenship by persons enumerated were not on  
the whole valid required to be made by the act of June 1866, if so my  
answer is in the negative. There is nothing in the legislation of Congress  
upon which such an exemption can be predicated and the acts of June 18,  
1866, June 19, 1867, June 22, 1868 and May 22, 1869 clearly indicate  
that no such exemption was intended."

Now the Act of June 28, 1898 says that the Freedmen roll shall be made in accordance with the decree of the court of claims of February 3rd 1896 and practically makes this decree of the court of Claims for the purpose of instructing the Commission as to the enrollment of Cherokee Freedmen a part of the act of June 28, 1898. If there was no exemption upon the limitation of time in behalf of persons of unsound mind under these several acts it is difficult for us to see how it could be held that there was ~~no exemption~~ any exemption in behalf of this applicant by the provisions of the treaty of July 19, 1866. We submit that the applicant is not entitled to be enrolled.

We submit that she had no rights when the war came up; that she had no rights on July 19, 1866 and that she had no rights on February 11, 1867 the date of the expiration of the time within which she could have returned and by returning to the Cherokee Nation could have acquired rights therein and we submit that if she had no rights at that time she never could have subsequently acquired them under the treaty. She has never forfeited any rights because she never acquired any to forfeit and for the reasons herein above assigned we respectfully ask:

First, That this case be referred to the Honorable Assistant Attorney General for an opinion

Second, That the application for the enrollment of the applicant be denied.

Respectfully,

W. W. Hastings  
Attorney for the Cherokee Nation.

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

In the matter of the application for the enrollment of **EMILY VANN** as a Cherokee freedman.

Cherokee Freedmen D 171.

It is contended on behalf of applicant that she was a slave of a Cherokee citizen prior to the war and that she went out of the Cherokee Nation during the war to Fort Scott, Kansas, and it is admitted by her that she did not return to the Cherokee Nation until about twenty-eight years ago; her daughter, Martha Phillips, makes a very vague statement in her behalf and refuses to fix any date as to the return of the applicant, but clearly fixes it beyond the time within which she was required to return under the 9th article of the treaty of 1866. In the original testimony taken before the first decision of the Commission, it was intimated that she did not return because of her confinement in the asylum for the insane at Osawatomie, Kansas, and the Commissioner of Indian Affairs and the Assistant Attorney General indicated that if that be true, that the case should be remanded and readjudicated, and it was remanded in order that additional testimony might be taken upon that question. Upon motion of the representatives of the Cherokee Nation the commission itself wrote a letter to the authorities in charge of the Insane Asylum at Osawatomie, Kansas, that in which the applicant claimed to have been confined, and the reply letter shows that the applicant was confined in said asylum from July 21, 1871, to November 2, 1880, which clearly refutes the idea that she was confined in this asylum prior to 1871, but it does corroborate the contention of the Cherokee Nation that she was a resident of the State of Kansas, in 1871, and not a resident of the Cherokee Nation.

Now the truth is the old lady made a mistake as to her return of ten years; when she applied before the commission she had been back about eighteen years, instead of twenty-eight years, and for this reason Martha Phillips, her daughter, refuses to give any exact date as to her return or even to approximate the date, but the Department will not believe that Martha Phillips attempted to tell the truth, because she could not have been so ignorant as not to be able to fix a date of the return of her mother nearer than ten years. But this record conclusively shows that Emily Vann, the applicant, did not return to the Cherokee Nation, except upon a temporary visit testified to by Martha Phillips wherein she then declined to state how long her mother remained, but said it was a year or two after she came back and testifies she remained only a short time, not exceeding a month. Now, she was not insane at that time, because Mr. Benge saw her in 1868, and evidently that was when she was back upon this temporary visit, not for the purpose of permanently locating here. Mr. Benge saw nothing that would indicate that she was deranged, and Martha Phillips in her testimony on page 4, upon cross-examination, testifying as to her mother's return said:

"Q. She stayed a little while and went back? A. Yes, she had a boy up there and she had to go back and take care of him."

Was this the act of a crazy woman; and would she have been permitted to go back to take care of her boy?

The truth is, as the Commission found, that she might have been here upon a short, temporary visit in 1868, but she clearly could not have returned to live before November 2, 1882, that being the date of her release from the asylum at Osawatomie, Kansas, and she was confined in the asylum from July 31, 1871. Now her actions from 1866 to 1871 are not those of a crazy person; she was free to go where she desired; Mr. Bengel saw her and there was nothing to indicate that she was of unsound mind; and her daughter, Martha Phillips, testifies that she went back to Kansas to take care of her boy. If she left her boy up in Kansas, of course, it shows that she only came down upon a visit and not to remain permanently, and went back there where she intended to live.

There is nothing in the testimony to show that she was not of sound mind or not free to come to the Cherokee Nation at least prior to 1871, and the testimony of Martha Phillips is so ~~convincing~~ and ~~unsatisfactory~~ that certainly no weight whatever would be given to it, because she refuses to give any positive testimony whatever, although it is apparent that she could have fixed the time much more closely than she did, and in fact she even declines to attempt to give any direct testimony as to the time of her mother's return.

Attorney for applicant attempts to argue that this is not the same party that was confined in the asylum; this is boyish; she herself admits that she was confined in this same asylum, and she gives her name, and there is no other person in the asylum except her by that name, and there has been no effort made to attempt to refute it in the testimony. Certainly the record of this asylum is much more conclusive than the unsatisfactory testimony of interested witnesses.

The attorney for applicant says that this woman has been permitted to file upon her allotment; he knows that at that time all doubtful applicants, and even rejected applicants, prior to their final rejection by the Department, were allowed to make tentative filings subject to their final approval or rejection by the Department, and he makes the startling statement that she had spent a great deal in reclaiming the land from a wild state and putting it in a high state of cultivation. Now none of this is in the record, and besides, this very statement is refuted by the statement of Martha Phillips, her daughter, who says she is 76 years old and paralyzed, helpless and insane, and therefore, the distinguished attorney must of necessity draw largely upon his imagination.

We submit for the reasons hereinabove stated and for the reasons set forth in the decision of the commission, as well as the reasons urged in our former brief in this case, that the decision of the commission should be affirmed and the application of the said Emily Vann should be rejected.

Respectfully submitted,

L B Bell

*Signature*

L. B. Bell

J. S. Davenport  
Attorney for the Cherokee Nation

Review of copy of above brief accepted  
this Aug. 10, 1905

A. S. McRay  
Atty. for applicant

# NOTICE!

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

Case No. D. 171

To Emily Vann

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: 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 29th day of Apr 1901.

*Bill Hastings & Dawson*

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 Emily Vann  
on the 27th day of April A. D. 1901. *W. H. Grogan*

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

*Marshal for the Cherokee Nation*

657-171

IN RE  
THE DEATH OF

Emily Vann

a citizen of the

Cherokee

Nation.

Approved August 11, 1905

 Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 11 1905

 Commissioner

8/11/05

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

In the matter of the death of Emity Vann  
(Here insert name of deceased.)  
a citizen of the Cherokee Nation, who formerly resided at or near  
Chouteau, Ind. Ter., and died on the 30 day of  
January, 1905.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT,  
I, Martha Phillips, on oath state that I am 56  
years of age and a citizen, by Fredman, of the Cherokee Nation;  
that my postoffice address is Chouteau, Ind. Ter.; that I am  
a Daughter of Emity Vann  
(State relationship: as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Fredman, of the Cherokee Nation  
and that said Emity Vann died on the 30 day of  
January, 1905.  
(Here insert name of deceased.)

WITNESSES TO MARK: Martha Phillips her mark  
(Must Be Two Witnesses.) { Reed Wilson  
Clay Brown  
Subscribed and sworn to before me this 8 day of August 1905  
Will A Crockett  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT,  
I, Lena Oliver, on oath state that I am 42  
years of age, and a citizen by Fredman of the Cherokee Nation;  
that my postoffice address is Chouteau, Ind. Ter.;  
that I was personally acquainted with Emity Vann  
(Here insert name of deceased.)  
who was a citizen, by Fredman, of the Cherokee Nation;  
and that said Emity Vann died on the 30 day of  
January, 1905.  
(Here insert name of deceased.)

WITNESSES TO MARK: Lena Oliver  
(Must Be Two Witnesses.) {  
Subscribed and sworn to before me this 8 day of August 1905  
Will A Crockett  
Notary Public.

Muscogee

Indian Territory

1881  
Apr 4 1881

RECORDED OF THE COMMISSION TO THE FIVE CIVILIZED

THAT one copy of the testimony in

78171

Emily Vann Cherokee Freedman

N. A. M. S.

Attorney for the Freedmen.



FD 171

# **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. Emily Vann,  
Ft. Gibson, I.T.

Cherokee F-D-171  
Register.

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

Commissioners.

73. J.S. W.

MEMORANDUM OF DECISION

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 25 1801



ACTING CHAIRMAN

CHEROKEE FREEDMEN

1. Name  
2. Residence  
3. Occupation

1. Name  
2. Residence  
3. Occupation

1. Name  
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2. Residence  
3. Occupation

CHEROKEE FREEDMEN.

Date APR 25 1901  
Post Office *W. Liberty St.*  
District *Mississ.*

Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. .... District .....

Parents:

Father *Alvin* ..... Citizenship .....

Mother ..... Citizenship .....

1. Name of wife *Emily James* ..... Age *76* .....

Owner's name *Wm. Thompson* ..... Citizenship .....

Year ..... Page ..... No. .... District .....

Parents:

Father *Joe Halford* ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

- 2. Year Page No. Dist.
- 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 *Emily James* ..... Scribe *Ch. Robertson*

Cherokee Freedmen  
D 171

Muskogee, Indian Territory, March 24, 1904.

Emily Vann,

Port Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee Freedmen, together with the Commission's decision dated March 8, 1904, rejecting said application.

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

Respectfully,

*T. B. Needles.*

Incl. V-24

Registered.

Commissioner in Charge.

Cherokee Freedmen  
D 171

Muskogee, Indian Territory, March 24, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Emily Vann for the enrollment of herself 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. B. Needles.*

Encl. V-25

Commissioner in Charge.

Cherokee Freedman  
D 171

Muskegee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Emily Vann for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

*T. J. Nease, Jr.*

Encl. V-26

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:

Land. 20537-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 2, 1904.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 24th, 1904, transmitting for your consideration, the application of Emily Vann, for enrollment as Cherokee Freedman.

March 5, 1904, the Commission rejected the application.

From an examination of the record of the evidence in the case, it appears that on April 25, 1901, the applicant, Emily Vann, appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment for herself as Cherokee Freedman.

That on April 25, 1901, further proceedings were had in the matter.

The evidence shows that said Emily Vann, was a slave of a Cherokee citizen by the name of Will Thompson, and that he is dead; that said applicant was taken out of the Nation during the war of the rebellion, and did not return until about 1873. She avers that the reason that she did not return was, because she was confined in an Insane Asylum at Osawatomie, Kansas, and that by



reason of said confinement she was prevented from returning, and that she could not therefore, return to said Nation sooner than she did; that she was born in Tennessee, and that she came to the Nation with the Indians, and that she has continued to live with them all her life; and that with the exception of the time she was confined in the Insane Asylum, she has been actually present in said Nation. Her name is not found upon the 1880 authenticated Roll of the Cherokee Nation.

The Commission in its decision rejecting said applicant, cites the opinion of the Assistant Attorney General of June 8, 1901; approved by the department, a portion of which they quote as follows: " Presumably the questions intended to be submitted are whether the state of unsound mind in one case, and infancy in the other, exempted these applicants from the limitation upon the time within which applications for citizenship by persons not on the tribal rolls were required to be made by the act of June 10, 1896? If so, my answer is in the negative. There is nothing in the legislation of Congress upon which such an exception can be predicated."

By analogy to the above the Commission considered that the insanity of the applicant would not exempt her from the compliance with the provision of the Treaty of 1866, with respect to the return of Freedmen to said Nation.

The Commission, therefore, denied the applicant enrollment as a Cherokee freedman, under the provisions of section twenty-one of the act of Congress approved June 25, 1896, and

so ordered.

The recent opinion of the Assistant Attorney General, however, declares in substance, that a person who was a slave of a Cherokee citizen and left the Nation during the war of the Rebellion and returned within six months after the treaty went into effect, shall be entitled to enrollment whether or not his name be found upon the Roll of 1850, or any other; and that actual physical return was not necessary, but that, if through no fault of his, he shall be prevented from returning, and during his absence he does not acquire a residence elsewhere, but entertains the idea of returning to the Nation, that, then, in that event, he would, for all intents and purposes, so far as his right to enrollment was concerned, be present in the Nation, and be entitled to enrollment.

"Residence by constraint which is involuntary by banishment, arrest, or imprisonment, will not work a change of domicile"- Story on Conflict of Laws, section 47.

The evidence might be a little stronger as to the identity of the applicant, but as the sole question upon which the Commission rejected the applicant was, upon her residence in and return to the Nation, this office in accordance with the Assistant Attorney General's opinion of March 22nd, 1904, must hold that said applicant did return to said Nation within the time specified in Art. II of the Treaty of July, 1866, between the United States and the Cherokee Nation of Indians, and within the

Decree of the Court of Claims rendered February, 1896, in the case of Moses Whitman, Trustee, et al, vs. the Cherokee Nation et al, and under the provision of section twenty-one of the Act of Congress approved June 20th, 1896; and it is therefore recommended; That said decision of the Commission be set aside, and that they proceed to enroll said applicant, Billy Vann, in accordance with the views herein expressed, and it is so ordered.

Very respectfully,

A. C. TOMPKINS,

Acting Commissioner.

J. E. H.

V.C.P.  
J.F.

D.C.20193-1904

THE

I.T.D. 4494-1904.

E. R. S

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 13, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Emily Vann for the enrollment of herself as a Cherokee citizen, including your decision dated March 5, 1904, rejecting said application.

Reporting June 2, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed, and that you be directed to enroll the applicant.

You will notify the applicant and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner, and allow said attorney thirty days within which to file any argument in the matter which he may desire, and the applicant ten days within which to reply to same.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedman  
D 172

Muskogee, Indian Territory, June 23, 1904.

Emily Vann,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman you are advised that the Commission is in receipt of Departmental letter of June 13, inclosing a copy of the Commissioner of Indian Affairs' letter of June 2, in which it is recommended that the Commission's decision rejecting your application for enrollment as a Cherokee freedman be reversed and that your application be granted.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any argument which he may desire to make, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

For your information there is herewith inclosed a copy of the Department's letter above mentioned.

Respectfully,

Encl. V-55

Commissioner in Charge.

Cherokee Freedmen

# 171

Muskogee, Indian Territory, June 23, 1904.

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

Dear Sir:

In the matter of the application of Emily Vann for enrollment as a Cherokee Freedman, you are advised that the Commission is in receipt of Departmental letter of June 15, inclosing a copy of the Commissioner of Indian Affairs' letter of June 2, in which it is recommended that the Commission's decision rejecting said application be reversed and that the applicant be enrolled.

In accordance with the Department's instructions you are hereby advised that you will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to make, a copy of which argument you will be required to furnish the applicant.

For your information there is herewith inclosed a copy of the Department's letter above mentioned.

Respectfully,

Encl. 7-66

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-171.

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Dear Sir:

Referring to Departmental letter of June 13, 1904 (I.T.D. 4494-1904), there is herewith transmitted argument of the attorney for the Cherokee Nation in the case of Emily Vann, (Cherokee Freedmen D-171). No reply in behalf of the applicant has been filed with the Commission.

Respectfully,

Encl. D-21.

(SIGNED).

*Jame Bixby.*  
Chairman.

Through the

Commissioner of Indian Affairs.

( COPY )

T. P.  
FILE

DEPARTMENT OF THE INTERIOR,

D. O. 41958-1904  
I. T. D. 4494-1904.  
10184-1904.

WASHINGTON. October 29, 1904.

SIR

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Emily Wynn as a Cherokee freedman. The applicant is shown to have been the slave of a Cherokee citizen, and went out of the Nation to Kansas during the civil war. She alleges, very indefinitely, that she became insane while in Kansas, just when not stated, and was placed in an insane asylum at Oswatanie, Kansas, but that she returned to the Nation in 1878. She states that she could not get back sooner because she was in the asylum.

Referring to the opinion of the Assistant Attorney General of June 4, 1901, you held that the insanity of the applicant would not exempt her from compliance with the treaty of 1866 with respect to the return of freedmen to the Cherokee Nation. March 5, 1904, you rejected the application.

The Indian Office, in letter of June 5, 1904, a copy of which was sent you June 13, 1904, stated that in a "recent opinion" of the Assistant Attorney General (presumably an opinion of March 23, 1901), it was held that physical return to



the Nation was not necessary, and for reasons given it recommended that your decision be not concurred in.

On October 1, 1904, you transmitted an argument by the attorney for the Nation in the matter.

The Department desires further testimony taken to show, specifically, when the applicant went to Kansas, and under what circumstances; also when she became insane, and how long she remained in the insane asylum.

The testimony and papers attached thereto are inclosed, together with the argument filed by the attorney for the Nation, and you are directed to proceed with a rehearing in the matter, with due notice to the claimant and the said attorney, after which you will readjudicate the case in the light of the opinion of the Assistant Attorney General of March 22, 1904, upon the request of counsel for the Cherokee Nation upon certain questions relative to freedmen applicants as citizens of the Cherokee Nation.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

2 inclosures.

COPY

Cherokee Freedmen  
D-171

Muskogee, Indian Territory, December 1, 1904.

Emily Vann,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of October 29, 1904, directing that the Commission take further testimony in your case showing specifically when you went to Kansas and under what circumstances, also when you became insane and how long you remained in the Insane Asylum.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, December 22, 1904, and introduce testimony as above requested.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Register  
Enc. 2-1

Witness: *Jane Biaby*  
Chairman

COPY.

Cherokee Freedman  
D-171.

Muskogee, Indian Territory, December 23, 1904.

A. S. McRea,

Attorney for Emily Vann,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, December 23, 1904, in the matter of the application of Emily Vann as a Cherokee freedman; also blank form of receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

WJBNED). *James Bixby.*  
Chairman.

Incl. K-1.

COPY.

Cherokee Freedman  
D-171.

Muskogee, Indian Territory, December 23, 1904.

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

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory on December 22, 1904, in the matter of the application of Emily Vann as a Cherokee freedman.

Respectfully,

RECORDED.

*Larna Bixby.*  
Chairman.

Incl. K-2.

COPY.

Cherokee Freedman  
D-171.

Muskegee, Indian Territory, December 24, 1904.

Superintendent of the Insane Asylum,  
Ossawatimie, Kansas.

Dear sir:

One Emily Vann is an applicant before this Commission for enrollment as a Cherokee Freedman. It appears from the testimony in her case that she at one time was confined in the insane asylum at Ossawatimie, under the name of Emily Thompson.

You are requested to furnish the Commission with information as to the date upon which Emily Thompson became an inmate of said asylum, and also the date of her release, in case the same is shown by your records.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

(C O P Y)

Osawatomie, Kan., Dec. 31st., 1904.

Hon. Tams Bixby,  
Muskogee, I.T.

Dear Sir:-

I have yours of the 24th. inst. inquiring about one Emily Van, an applicant before your commission as a Cherokee freedman, who claims to have been an inmate of this hospital at one time under the name of Emily Thompson. On examination I find that Emily Thompson was admitted from Bourbon county, Kansas July 21st., 1871 and was discharged, restored, Nov. 2, 1882.

Respectfully,

L. L. Uhls,  
Superintendent.

Indorsed on back---

COMMISSION TO FIVE TRIBES.

No. 145. Received Jan. 3, 1905.

Uhls, L. L.,

Osawatomie, Kansas,

Dec. 31, 1904.

States that Emily Van, Cherokee freedman was an inmate of State Hospital under name of Emily Thompson.

Cherokee Freedmen

D-171,

Muskogee, Indian Territory, June 30, 1906.

Emily Vann,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. G.

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,

(SIGNED)

*Tamas Bixby*

Chairman.

Incl. 8-42  
Register

Cherokee Freedman

D-171.

Muskogee, Indian Territory, June 30, 1905.

A. S. McRea,

Attorney for Emily Vann,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Emily Vann 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,

(SIGNED)

Tamas Sixby,  
Chairman.

Incl. 5-43  
Register



Cherokee Freedman

2491.

Muskogee, Indian Territory, June 30, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Billy Vann 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,

Incl. 8-44

SIGNED.

James Bixby,  
Chairman.

1352  
Cherokee Freedmen  
D-171.

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Billy Vann as a Cherokee freedman, including the Commission's decision dated June 30, 1905, rejecting said application.

On October 29, 1904, this case was remanded for further hearing and readjudication.

Respectfully,

*Jams Sixby*

Through the

Commissioner of Indian Affairs,

-Copy-

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

Land.  
50923-1905.

July 17, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Hally Vann.

June 30, 1905, the Commission decided adversely to the applicant.

The record shows that on March 5, 1904, the Commission denied the applicant enrollment and that thereafter, on October 29, 1904, the Department remanded the case for further investigation and readjudication.

The evidence shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

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

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

L. L. M. (3)

Cherokee Freedmen

D-171.

COPY.

Muskogee, Indian Territory, July 28, 1905.

Martha Phillips,

Choteau, Indian Territory.

Dear Madam:

This office is informally advised that your mother, Emily Vann, who is an applicant for enrollment as a Cherokee freedman, has died since application was made for her enrollment.

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed and return to this office in order that her death may be shown upon the records.

respectfully,

Inc. 1 DA  
LS

*Jesse Bixby*  
Commissioner.

Cherokee F-2171.

COPY:

Muskogee, Indian Territory, August 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, argument on behalf of the Cherokee Nation, in the matter of the application for the enrollment as a Cherokee Freedman of Emily Vann, Cherokee Freedman Doubtful Case, No. 171.

The record of proceedings had in this case, together with the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Emily Vann, as a Cherokee Freedman, was forwarded to the Department on June 30, 1906.

Respectfully,

GIVEN  
UNDER  
HANDS

*Wm. O. B. ...*  
Acting Commissioner.

Enc. 1

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.Jr.  
LLB

D.C. 20730  
I.T.D. 4494-1904.  
7293-1905  
2455- "  
11202- "

May 24, 1905.

L.R.S.

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

Sir:

June 30, 1905, the Commission to the Five Civilized tribes transmitted the record in the matter of the application for the enrollment of Emily Vann as a Cherokee freedman, including its decision dated June 30, 1905, rejecting said application.

It appears that this case was considered by the Commission and a decision rendered adverse to the applicant under date of March 5, 1904. This decision was submitted to the Department and October 29, 1904, the case was remanded for further investigation and readjudication.

Reporting July 17, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department, after considering the "motion of protest" filed by the attorney for the applicant, as well as the argument and reply filed by the attorney for the Cherokee Nation, believes that the decision of the Commission is correct.

-2-  
Said decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen

D-171.

Muskogee, Indian Territory, June 5, 1906.

Martha Phillips,

Choteau, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of Emily Vann for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior May 24, 1906.

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

Respectfully,

Incl. S-25  
LS

Commissioner.



Cherokee Freedmen

D-171.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application of Emily Vann for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior May 24, 1906.

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

Respectfully,

Incl. 8-26  
LS

Commissioner.

D.C. 23657

-COPY-

Muskegee, I. T. June 12, 1906.

Commission to the Five Civilized Tribes,

Muskegee, Ind. Ter.

Martha Phillips et-al Cherokee Freedman D, No. 852,  
and Beattie McKee, (nee) Phillips, D. 851, whose citizenship  
has been rejected and recently affirmed by the Hon. Secretary of  
the Interior desires now to file notice that they will file their  
motions for a reopening and rehearing of their cases within  
sixty days after the date of receipt of Commission's notice of  
affirmation of the Hon. Secretary of the Interior rejecting  
them, and hereby enters protest of any person or persons  
attempting to file on the lands held by them under tentative  
filings heretofore made, as shown by the records of this  
Commission.

A. S. McKee  
Attorney for Applicants.

20537

Indian Office.

Incl. No. 7

1904

76535

39537

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT

OF

*Emily Vann*

Department of the Interior,  
RECEIVED.  
JUN 2 1904  
Enc. No. *X* of No. *494*  
Indian Territory Division.

As citizen of the Cherokee Nation.

Muskogee, I. T., 190

Respectfully forwarded to the Secretary of the Interior  
for review.

Acting Chairman.

*Emery*

Cher. Fr. R. 845

Cher. Fr. 845

Trans. from Cher. Fr. D 172



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ft. Gibson, I. T., April 16, 1901.

In the matter of the application of Maria Smith for the enrollment of herself, her husband, Jim Smith, and her four children as Cherokee Freedmen; she being sworn and examined by Commissioner G. R. Brockbridge, testified as follows:

- Q Give me your full name. A Maria Smith.  
Q How old are you? A 39.  
Q What is your postoffice? A Ft. Gibson.  
Q In what district do you live? A Illinois District.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to enroll anybody besides yourself? A Four children.  
Q Have you lived in the Cherokee Nation all your life? A Yes sir.  
Q Give me the name of your father. A Ned Foreman.  
Q Is he alive? A He's dead.  
Q How long has he been dead? A 16 years this coming October.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Give me the name of your mother. A Caroline Foreman.  
Q Is she dead? A She's living.  
Q How many times have you been married? A Twice.  
Q To whom were you married the first time? A Alfred Thompson.  
Q How long since you married ~~the first time~~ him? A I married Alfred Thompson in '80.  
Q Is he dead? A He's living.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q You and he separated, did you? A Yes sir.  
Q When did you separate? A In — I don't know; its been about 15 years.  
Q And after that you married again? A Yes sir.  
Q To whom did you marry the second time? A Jim Smith.  
Q Is he alive? A Yes sir, he's alive.  
Q Is he a Cherokee Freedman? A Said to be.  
Q Are you and he living together? A Yes sir.  
Q Are you living with him now? A Yes sir.  
Q Why do you not apply for him? A Well, I never did; always enrolled myself and the children.

Commissioner— You better apply for him.

- Q Has he ever been put on any roll? A Well, I couldn't tell you.  
Q When did you and James Smith begin to live together? A About 14 years.  
Q Did you ever get a divorce from you husband, Alfred Thompson?  
A According to the Cherokee law; he married and they said I was divorced; he married before I did.  
Q But you didn't get any judicial divorce? A No sir.  
Q You and Jim Smith have lived together ever since you married some fourteen years ago? A Yes sir.  
Q Give me the names of your children. A Willie Smith.  
Q A boy or a girl? A He's a boy.  
Q How old is that child? A 18.  
Q The next child? A Jennie Smith.  
Q How old is Jennie? A 15.  
Q The next child? A Joe Smith.  
Q How old is Joe? A 12.  
Q The next child? A Luther Smith.  
Q How old is that child? A 10. Jennie is Alfred Thompson's child.  
Q But you call them all Smith? A Yes sir.  
Q These children all living now, are they? A Yes sir.  
Q Give me the name of the father of your husband? A I couldn't do that; I don't know.  
Q You have the name of his mother. A Emily Vann.  
Q Is she alive? A Yes sir.  
Q How long has she been in 1880? A Emily Vann.  
Q And what was her name? A Yes sir.

2- M. S.

- Q How old is your husband? A I don't know sir, how old he is.  
Q Is he older than you? A Yes sir, he's ~~about~~ a good deal older than I am.  
Q Is he 45? A I guess he's 46 or 7.

The 1850 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 590, No. 1925, Mariah Thompson, Illinois District.

The 1860 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and her children are identified ~~thereon~~ as follows:

- Page 962, No. 2999, Mariah Smith, Illinois District.  
Page 962, No. 334, William Smith, Illinois District.  
Page 962, No. 335, James Smith, Illinois District.  
Page 962, No. 336, George Smith, Illinois District.  
Page 962, No. 337, Luther Smith, Illinois District.

The 1860 authenticated roll and the 1860 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's husband is not found of record thereon.

- Q Have you anybody here who knows that you have been married to these men, Thompson and Smith? A No one here in the house, I guess. Fannie Miller knows I guess.

Fannie Miller, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your full name? A Fannie Miller is my name.  
Q How old are you? A Well, I couldn't tell you that.  
Q How old, 45 or 50? A Yes sir, maybe over that.  
Q How long have you lived in the Cherokee Nation? A Been living here a good while.  
Q All your life? A No sir.  
Q Been living here forty years? A No sir.  
Q What is your postoffice? A Gibson Row.  
Q Do you know this applicant here, Maria Smith? A Yes sir, I been knowing her quite a while; knowed all the family.  
Q Have you known her ever since she was a little girl? A Yes sir.  
Q You have been living here ever since that time, haven't you? A Yes sir.  
Q What was her name before she married anybody? A It must have been Foreman; that is all I know.  
Q She has been married twice? A Yes sir.  
Q What is the name of her first husband? A Alfred Thompson.  
Q And then after a while they separated? A Yes sir.  
Q And then after that married another man? A Yes sir.  
Q What is his name? A Jim Smith.  
Q They are living together now as husband and wife? A I guess so.  
Q As far as your know? A Yes sir, as far as I know, indirect.  
Q James Smith, he didn't get a Cherokee license when he married you? A No sir, they didn't get license; they got citizens.  
Q They just got married without any license about it? A Yes sir.

The applicant applies for the enrollment of herself, her husband, and four children; she is identified on the rolls of 1850 and 1860 as a Cherokee Freedman. She states that she has lived in the Cherokee Nation all her life; her changed name arising from marriage are explained in a satisfactory manner by herself and other personal testimony; she will now be listed for enrollment as a Cherokee Freedman. Her four children named in the testimony are duly identified on the roll of 1860; they are all living at this time. The child Joe, next to the youngest child, is upon the roll of 1850 as George, but this is evidently a clerical error. James children will all now be listed for enrollment as Cherokee Freedmen. The



5- N.S.

applicant's present husband, James Smith, is not identified upon any roll, and he did not procure a Cherokee license when he married his wife, nor did she ever procure a legal divorce from her first husband; therefore, there does not appear any ground upon which, either as a Cherokee Freedman or as a citizen by intermarriage, the Commission has no jurisdiction over the application for the enrollment of the applicant's husband, and only a memorandum will therefore be made of the application for the enrollment of James Smith. The final decision in regard to this memorandum will be reported to the Secretary of the Interior, and if approved the same he approves of the same that will be final under the present law.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in 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 17th day of April, 1901.

  
  
Commissioner.

to the Government to the effect of military orders he collected in -  
The investigation, being duly shown, states that an armed soldier

THROUGH THE REPORTS:

He stated that he had been present in the report of a paper  
United States Commission. Although he was not in the  
he stated that he had been present in the report of a paper  
the investigation of James Smith; consequently his name will  
relate directly to the statement of Mr. Deane's  
conclusion as to the evidence and citizenship. The Chicago  
the name of William Wolf. Therefore, it was made for the  
act of 1880, not the census roll of 1880, but the census roll  
The name of James Smith is not found from the investigation

Q Do you recall to have had any other? A Where situated.  
Q Is there any other? A Yes sir.  
Q Are you sure? A Yes sir.

Q Where is he? A I don't remember; I don't know.  
Q Are you sure? A Yes sir.  
Q Are you sure? A Yes sir.

Q Where is he? A I don't know where he is.  
Q Are you sure? A Yes sir.

Q Where is he? A I don't know where he is.  
Q Are you sure? A Yes sir.

Q Where is he? A I don't know where he is.  
Q Are you sure? A Yes sir.

Q Where is he? A I don't know where he is.  
Q Are you sure? A Yes sir.

Q Where is he? A I don't know where he is.  
Q Are you sure? A Yes sir.

1-3-2

DEPARTMENT OF THE INTERIOR  
COMMISSION OF THE CIVIL SERVICE  
APR 2 1901

J. S. 172

A

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

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

- Q What is your name? A James Smith.  
Q How old are you? A 45.  
Q What is your postoffice address? A Fort Gibson.  
Q What district do you live in? A Illinois.  
Q You desire 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 Have you ever been recognized by the Cherokee authorities? A Yes sir.  
Q Your name on the roll of 1887? A I think it is.  
Q Who do you want to enroll besides yourself? A Just myself.  
Q What is your father's name? A He's dead; he died when I was a little boy.  
Q What is your mother's name? A Emily Vann.  
Q She living? A Yes sir.  
Q Is that her that was here a while ago? A Yes; my uncle raised me. Steve Smith.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Your name aint on the 1880 roll? A It ought to be.  
Q You didn't find your name on the 1880 roll when you were a claimant before the Kemas Clifton Roll? A I think they did; there was no dispute.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

- Q What district did you draw your money in? A Illinois.

The Kemas Clifton Roll examined and the name of the applicant is found on page 155, No. 3828, Jim Smith, Illinois District.

- Q Where were you born? A Below Webbers Falls.  
Q Cherokee Nation? A Yes sir.  
Q Were you a slave? A Yes sir, my mother was.  
Q What was your owner's name? A Will Thompson.  
Q Were you taken out of the Cherokee Nation during the war? A We left here during the war; I was a small boy; I couldn't remember; I must have been about seven or eight years old.  
Q Where did you go? A Fort Scott,  
Q When did you return? A I come back in the summer of '66.  
Q Where have you been living since? A Been living here and Muskegee.  
Q Have you any witnesses? A Yes sir.  
Q Who are they? A Miss Sivens is one.

Folly Reas, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Folly Reas is my name now; my mother's name was Sivens.  
Q Are you a Cherokee citizen? A Yes sir.  
Q By blood? A Yes sir.  
Q What is your postoffice? A Fort Gibson.  
Q You know James Smith? A Yes sir.  
Q Do you know where he was during the war? A He went out to Kansas during the war.  
Q Was he a slave? A Yes sir.  
Q What was his owner's name? A Will Thompson.  
Q When did he return? A He returned in '66, because his uncle

2- J. S.

brought him close to me right here on the Bayou.

Q Has he been living in the Cherokee Nation ever since? A Yes sir, grew up right there.

By J. S. Davenport, Cherokee representative- of witness-

Q You say he went to Fort Scott during the war? A He left here and said they went to Fort Scott.

Q You don't know about that? A No sir, I didn't go with them.

Q You remember Roswell Mackey and him having a shooting scrape? A Yes sir.

Q And they took him to Ft. Smith and tried him? A Yes sir.

Q Roswell was tried there on the ground that Jim was a United citizen? A Yes sir, Jim being a United States citizen.

Commissioner-

Q Have you any explanation to make as to that; why he was called a United States citizen? A Because Jim's uncle, Steve Smith, went to Roswell's mother and wanted her to give him five dollars to pay his way --.

Q

By J. S. Davenport-

Q Were you present when that took place? A Yes sir, that was close to my house. And Aunt Malinda said let him learn; he has been in too much devilment, and she wouldn't give Steve \$5.00, and she said I wouldn't pay that and that is the reason Roswell staid in Fort Smith, the boy that shot this boy, Jim.

Q You don't know where Jim has been living since '66? A Once place and another; Muskogee and Fort Gibson, backward and forward; he never was out of the nation to stay. That was his mother that was here a while ago.

Commissioner-

Q Are you positive that you saw this boy, Jim, in '66 in the nation? A Yes sir, his uncle brought him close to my house. I am going to raise him, his uncle said; he was a little bit of a fellow in his shirt tails.

Q His mother's name was what? A Emily Thompson.

Q She went to Fort Scott? A Yes sir.

Q She was crazy there? A Crow Vann was her husband, and she went crazy, and they all refuged back. He brought this child back.

Commissioner of Applicant-

Q Do you know the reason your name is not on the roll of 1880? A Yes sir, because Mr. Benge had Roswell's case that time and the only way to beat that case was to put me on a doubtful roll and that was the only way they had to beat it. It was throwed out in this Court; I paid no attention to it until years and years after that.

Q That is the way he had to beat the case when Roswell was tried for shooting you? A Yes sir.

Q The way they had to beat the case was to say you were a United States citizen? A Yes sir.

Q And the Court then had no jurisdiction? A That is it exactly; that is the way I am not on the '80 roll.

By J. S. Davenport- of Applicant-

Q Jim, hadn't Roswell been tried at Fort Smith and been convicted before Mr. Benge made the 1880 roll? A No sir, this shooting was done in '70.

Q Wasn't Roswell tried at Fort Smith before the 1880 roll was made? A Yes, the shooting came off before the 1880 roll.

Q And he was tried at Fort Smith before the 1880 roll was made? A Yes sir, this roll was made after that.

Q Then now, why did Benge want to get you off the roll and he had been convicted, to try to beat the case? A He called me a Cherokee citizen, a United States citizen.

Commissioner-

Q But because Benge proved in Court that you were a United States citizen, that is the reason your name couldn't be put on the roll of 1880? A Yes sir, that is the whole truth.

3- J. S.

By J. S. Davenport-

Q What year was that, that Euge admitted to have proved that?

A I forget; I was down there in Court; I don't remember.

Q Was it before 1880? A It was way before 1880.

Commissioner-

Q When were you shot? A I was shot in '78 or '79, one of those years; I think it was in '78.

Q Were you at the trial? A Yes sir.

Q As a witness against Roswell? A Yes sir, I told them I was a good citizen; they paid no attention to me, I had no voice there, and they just threw it out.

Q They turned Roswell loose? A Yes sir.

Q Where is he now? A I don't know where he is.

Folly Ness further states- He was here in '66; I know he is a citizen.

By J. S. Davenport of Applicant-

Q Who came back with you from Fort Scott? A A man by the name of Jim Grape. I was a small boy, I don't remember; I could read a little bit.

Commissioner-

Q Are you married? A Yes sir.

Q Is your wife a citizen? A Yes sir.

Q Do you apply to have her enrolled? A She's enrolled.

The name of James Smith is not found upon the authenticated roll of 1880, nor the census roll of 1890, but is found upon the Kerns Clifton Roll. Satisfactory proof is made to the Commission as to residence and citizenship. The Cherokee Nation through its attorney, Mr. Davenport, protests against the enrollment of James Smith; consequently his name will be placed upon a doubtful card as a Cherokee Freedman for further consideration. Applicant is notified by Mr. Davenport that he will offer testimony in rebuttal either Friday or Saturday.

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.

Subscribed and sworn to before me this 10th day of April, 1901.

  
Commissioner



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April, 26th 1901.

By Com'r Breckinridge:

The Cherokee Attorney presents a certificate of the Marshal of the Cherokee Nation, certifying that notice had been served on Emily Vann that testimony would be introduced on April 29th and 30th, to disprove her right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes, at the town of Fort Gibson, I. T.

SAMUEL H. BENGE, being called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows on behalf of the Cherokee Nation in the above application:

- Q What is your name? A. Samuel H. Benge.  
Q How old are you? A. 69.  
Q What is your post office address? A. Fort Gibson.  
Q How long have you lived in the Cherokee Nation? A. Ever since I have been born.  
Q You want to give some testimony in regard to the application of James Smith do you? A. Yes sir.

Examination continued by Cherokee Representative, James Davenport:

- Q Are you acquainted with James Smith or James Ruler? A. Yes sir.  
Q How long have you known him? A. About 18 years.  
Q Do you know of your own knowledge to whom he belong to before the war?  
I I do not.  
Q Do you remember the circumstance of the shooting of him by Roswell Mackey in '78 or '79? A. Yes sir.  
Q Did you have anything to do with the trial? A. I defended Roswell Mackey in the Cherokee Court.  
Q What disposition was made of that case? A. I filed a motion in that case to dismiss the case on the ground that the Court did not have any right to try Roswell Mackey on the ground that James Smith or Ruler was a non citizen, and that the court had no jurisdiction and it was dismissed from the docket.  
Q In James Smith or Ruler's testimony, he testified as follows:  
" Do you know the reason your name is not on the roll of 1880? A. Yes sir, because Mr. Benge had Roswell's case and that time and the only way to beat that case was to put me on a doubtful roll and that was the only way ~~him~~ ~~know~~ they had to beat it. It was thrown out in this Court; I paid no attention to it until years and years after that. " Is that true? A. No sir.

By the Commission:

- Q Did you have anything to ~~do~~ do with getting his name off the 1880 roll?  
A No sir, I didn't know that his name was on it; I had nothing to do with the rolls.

By the Cherokee Nation:

- Q The case of Roswell Mackey was disposed of before the roll of 1880 was made was wasn't it? A. Yes sir.  
Q You don't know anything about how long Ruler had been in the country, and where he has been living since the war? A. No sir, but I think that he and his son Emily Vann came here ~~see~~ late.  
Q What do you mean by see late? A. See late under the treaty of 1802.

By the Commission-

Q How do you know that? A. I was living here.

By the Cherokee Nation-

Q You was a party to the treaty were you not? A. Yes sir I was sent to Washington as one of the representatives who made that treaty.

Q And you came back here direct from Washington? A. Yes sir I came to Fort Gibson from Sequoyah in '68; they came here after that.

By the Commission:

Q Is it your knowledge of that fact that led you to make the motion in this case as to the jurisdiction of the Court? A. Yes sir.

Q And that was prior to the fall of 1880? A. Yes sir.

Q And you know nothing of his having applied in 1880? A. No sir.

Q And if he was put on there, you don't know about that? A. No sir.

By the Cherokee Nation:

Q Do you know if Roswell was taken to Fort Smith and tried for that shooting? A. Yes sir I heard he was.

Q This is the same Ruler that killed Gump Brown is it? A. Yes sir.

\*\*\*\*\*

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

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 30th of April, 1901 at Fort Gibson, I. T.



Commissioner.



( COPY )

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

In the matter of the application of Martha Phillips for the enrollment of herself and five children as Cherokee freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:  
A. S. McRea ( Colored ) attorney for the applicant.  
W. W. Hastings attorney for the Cherokee Nation.

By Com'r. Needles,

- Q What is your name? A Martha Phillips.  
Q What is your age? A I am near 50  
Q What is your post office address? A Chouteau.  
Q In what district do you live? A Saline.  
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.  
Q Who do you desire to have enrolled besides yourself? A Five children.  
Q What are their names? A Charles Walker, he is in the pen and cant apply for himself.  
Q How old is he? A 29 years old.  
Q What is the next one? Charles Phillips.  
Q How old? A 17 years.  
Q Next? A Alice Phillips  
Q How old? A 15 years.  
Q Next? A William Phillips.  
Q How old? A 13 years old.  
Q Next? A Benjamin Phillips.  
Q How old? A 11 years old.  
Q This one that is in the penitentiary, where is he? A In Ohio.  
Q For how long? A 12 years.  
Q Is he married? A Yes, sir.  
Q Has he any children? A Yes, sir.  
Q How many? A Four.  
Q Is his name on the roll of 1880? A No, sir.

By A. S. McRea.

- Q Where were you born? A At Webbers falls.  
Q In the Cherokee Nation? A Yes, sir.  
Q Were you a slave before the war? A Yes, sir.  
Q Who did you belong to? A William Thompson.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Did you go out of the Cherokee Nation during the war? A Yes, sir  
Q Where to? A Fort Scott, Kansas.  
Q When did you return? A In 1866.  
Q Where to? A Big creek.  
Q Are you living there now? A No, sir.  
Q How long did you live there? A Not very long, I cant tell exactly how long, just a few weeks though.  
Q Where did you come then? A To Fort Gibson.  
Q That was in '66? A Yes, sir.

- Q What time of the year? Long in the winter, maybe after Christmas
- Q How long did you live at Fort Gibson?
- A Several years, I dont know exactly how many.
- Q Where did you go then? A Went from there to Cooweescoowee district to Pryors creek.
- Q How long did you live there? A Several years, 8 or 9 years maybe more, I cant tell exactly.
- Q Where did you move then? A To Saline district.
- Q That where you live now? A Yes, sir.
- Q These children that you have named, were they all born in the Cherokee nation? A Yes, sir.
- Q Have you lived in the Cherokee Nation continuously ever since '66?
- A Yes, sir.
- Q Never claimed anywhere else as your home but the Cherokee Nation?
- A No, sir.
- Q Have you acquired any property on the public domain of the Cherokee Nation? A Yes, sir.
- Q Where you live now? A Yes, sir.

By Mr. Hastings:

- Q What was your mothers name? A Emily Thompson.
- Q What is her present name? A She did go by the name of Vann.
- Q She is your mother? A Yes, sir.
- Q You say you lived at Webbers falls before the war? A Yes, sir
- Q And that your owners name was William Thompson? A Yes, sir.
- Q Did he have a wife? A Yes, sir.
- Q What was her name? A Kate.
- Q Who were the members of their family? A Sallie Jennings and George.
- Q Did they live right in town? A No, sir lived right on the Military road that come from Texas.
- Q How old are you? A 50 or over.
- Q Who did you go out of the Cherokee Nation with during the war?
- A With the Refugees.
- Q Did your mother belong to the same people that you did? A Yes sir
- Q Did she go out with you? A Yes, sir.
- Q Where did you leave your mother when you came back? A In Kansas.
- Q How did you become separated from your mother? A She couldn't come and I come with some acquaintances.
- Q You were not yet grown were you? A No, sir.
- Q Your mother married up there didn't she? A No, sir she had a man here.
- Q What town did she live at up there? A Fort Scott.
- Q She didn't come back and you just quit her and come yourself?
- A Yes, sir, I wanted to come and so I did.
- Q You didn't have any witnesses before the Kern Clifton Court did you? A I had some witnesses but you didn't call them.
- Q You just testified yourself? A You didn't call none of my witnesses.
- Q Who did you come back with? A With Caesar Smith.
- Q What point did you return to? A Big creek.
- Q Who came with you and Caesar Smith? A His family.
- Q Well who? A Hannah, that was Caesar's mother, and Dicey, Rose, Jose, Sallie and Henderson.
- Q They all come with you? A Yes, sir.

- Q Whose place did you first come to? A Caesar Smith had a little cabin there.
- Q Had he been down here before that? A Yes he had.
- Q Did he have a crop there then? A No sir.
- Q Who were some of his neighbors? A I didn't get acquainted with them, Sam Webber was there.
- Q How far did he live from there? A I had no recollection of time then.
- Q Dont you know how far he lived from you? A No, sir.
- Q How long did you stay there? A 3 or 4 weeks, maybe not that long.
- Q What time of the year did you get there? A In the fall, late in the fall.
- Q Before or after Christmas? A Before Christmas.
- Q You then went to Fort Gibson? A Yes, sir.
- Q Who took you to Fort Gibson? A Charles Brown.
- Q Is he alive? A Yes, sir.
- Q Who did you go to see there? A Steve Smith, my uncle.
- Q How far from town did he live? A On the Bayou.
- Q What direction from town? A I dont know.
- Q Is he living yet? A No, sir.
- Q How long did you continue to live with your uncle? A I lived there a few years.
- Q How many? A I dont know, I cant be positive.
- Q Did you get acquainted with Nan French then? A Yes, sir.
- Q Were you married down there? A I just taken up with a man there
- Q Who? A Will Walker.
- Q How long after you came there? A I dont know.
- Q Well about how long after? A I dont know.
- Q Cant you give your best judgment? A I dont know.
- Q What is your best judgment about it? A It may have been a year, and it may have been longer and it might not have been so long, I cant remember exactly how long it was before I taken up with this man after I got there.
- Q Where did you and this man live together? A We just lived around, he wasn't much good.
- Q Did you have any children by him? A Charles and Bessie.
- Q How much older than Charles is Bessie? A One is 29 and the other is 22.
- Q Where was Charles born? A Fort Gibson.
- Q Where did you go from there? A I worked out and then moved to Coowesscoowee district on Pryors creek,
- Q What place there? A Brushey creek.
- Q Near what town? A Chouteau.
- Q You came from Fort Gibson to up near Chouteau? A Yes, sir.
- Q Do you live there now? A No, sir.
- Q How long did you stay there? A I dont know.
- Q Who did you stay with? A My husband.
- Q This man Walker? A No, sir.
- Q How did you dispose of Walker in the mean time? A None died off.
- Q Who was your second husband? A Phillips.
- Q Where did you marry first? A At Fort Gibson, and re-married him on Brushey under the United States law.
- Q Had you married a second time before you left Fort Gibson? A Yes, sir.

- 4-
- Q You had been there three or four years before you left?  
 A Yes sir, to the best of my knowledge.  
 Q Did you come with Phillips direct to Brashey? A Yes, sir.  
 Q How long did you stay there? A We made a place and one crop and sold. It to Emmett Vann and then moved on Pryor Creek  
 Q How far from the town of Pryor Creek? A I cant say exactly.  
 Q How long did you live there? A 8 or 9 years.  
 Q Where did you go then? A To Saline district.  
 Q Are you living there now? A Yes, sir.  
 Q Where is it you live now? A Near the West Salt Lick.  
 Q When did you go back to Kansas again? A After my first child was weaned.  
 Q Where was Bessie born? A In the Territory, on Green leaf.  
 Q Below Fort Gibson? A I guess so.  
 Q Where was Carl born? A His right name is Charles, we just call him Carl.  
 Q The next younger one is Bessie? A Yes, sir.  
 Q Where was Alice born? A Fort Gibson.  
 Q Where was Ben born? A In Coowee scoowee district.  
 Q How long have you been in Saline District? A Going on 11 years  
 Q Did you know Caesar Smith in Kansas? A Yes, sir.  
 Q Did you know him before that? A Yes, sir.

By McRea.

- Q Is your name on any of the rolls? A Yes, sir Kerns and Wallace rolls.

Applicant not found on the 1880 or 1896 rolls.  
 Kern Clifton roll examined and the applicants found as follows Page 168 No 4135, Martha Phillips, Saline district  
 Page 168 No. 4137, Charles Phillips " "  
 Page 168 No. 4138, Alice Phillips " "  
 Page 168 No. 4139, Will Phillips " "  
 Page 168, No. 4140, Ben Phillips " "

By the Commission:

- Q Are these children all living now? A Yes, sir.  
 Q Were they all born in the Cherokee nation? A Yes, sir.  
 Q What is your husbands name? A Charles Phillips.  
 Q Is he living? A Yes, sir.  
 Q Is he a citizen? A No sir.  
 Q Is he your first husband? A Yes sir I just taken up with another man down there.  
 Q You married Phillips under a United States license? A Yes sir.

Continued by Stenographer M. D. Green.

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

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

(Signed) T. B. Needles

Commissioner.

CONTINUED- FORMER PORTION TAKEN BY STENOGR. CHARLES vonWEISER.

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

In the matter of the application of Martha Phillips for the enrollment of herself and five children as Cherokee Freedmen; POLLY NIVENS, being sworn by Com'r Needles, testified as follows:

Appearances:

Mr. A. S. McKee, for the applicant.  
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MCKEE:

- Q What is your name? A Polly Nivens.  
Q Age? A 56.  
Q Post office address? A Ft. Gibson.  
Q Does your name appear upon the authenticated roll of 1880?  
A Yes sir.  
Q Are you acquainted with the applicant here, Mrs. Martha Phillips?  
A Yes sir.  
Q How long have you known her? A All her life.  
Q Was she a slave? A Yes sir.  
Q To whom did she belong? A Will Thompson.  
Q Old man Jackson first, and he died, and she went to his son, Will Thompson.  
Q Was he a Cherokee citizen? A Yes sir.  
Q Did she go out of the Cherokee Nation during the war of the rebellion between the north and the south? A Yes sir, I guess she did.  
Q When did you first see her after the war? A I saw her after the war awhile when small-pox was raging so, and then after that when the cholera commenced. She was down there at her brother's  
Q What place? A Below Ft. Gibson there in the edge of the bottom.  
Q She any relation to you? A She is my sister, one father.  
Q Has she lived in the Cherokee Nation continuously ever since you first saw her at this time which you mention? A Often and on, she lived there awhile, I don't know where she went to when she left there; when they ordered us out of Gibson, she went one way and I went the other.  
Q You know where she lives now? A I know the name of the place, but I have never been to her house to see her.  
Q You saw her here in '66? A I didn't say that.  
Q Well, immediately after the war? A Yes, sir, oh yes sir, I saw her there.  
Q How long after the time of which you speak, immediately after the war was it before you saw her again? A I don't remember exactly how long. It wasn't long then I saw her right after the war was when she come back in, I went to see her in the bottom, and I was working in town and I went to see her, she stayed there a long time.  
Q You say when the cholera broke out you all had to leave, she went one way and you another? A Yes, sir.  
Q How long after that was it before you saw her again? A It was about a year after that I saw her again.  
Q That in the Cherokee Nation? A Yes sir, but there on the Bayou, close to where I live now.  
Q Then how long was it before you saw her again? A About 5 or 6 months, she come and stayed with some long time, she wasn't married then.

Q Have you seen her often and on ever since then up until the present time? A Yes, sir, until she married and moved up here; she moved from my house up here, but I never was to her house.

BY CON'R NEEDLES:

Q You don't recollect what year it was you knew her after the war?

A No sir, right after the breaking out of the cholera.

Q The cholera was in '68? A I don't know what time.

BY MR. HASTINGS:

Q You can't remember the year can you? A No, sir.

Q You won't be positive about that? A I am positive it was just after peace was made, she come and got sick at her uncle's and I went to see her.

Q Where did she marry the first time, in Kansas? A No sir.

Q Was she married when she come down there? A She had a man, I don't know whether she married him or not.

Q What was his name? A Walker.

Q He come with her? A Yes, sir.

Q He was a state man? A No sir, he was living at the falls.

Q Before the war? A Yes sir, he was a Cherokee darkey.

Q Did they have a child when they came there, her and Walker?

A Yes sir, a boy and a girl, she stayed there in the bottom until she had one.

Q They had a boy when they come along? A No sir, she had the boy in the bottom at her uncle's when I went to see her.

Q That was when you went to see her when she was sick when the boy was born? A Yes sir.

Q That was just after she come down there? A Yes, sir, that was just after she come down there, before the cholera broke out

Q What was the boy's name?

A Charley Walker.

Q You remember who she and her husband come down there with, directly after the war? A No sir, I just went there to see her, she sent after me and I went there and stayed all night, I was working in town.

Q About how far were they from Ft. Gibson when you went to see her?

A About a mile I guess, right in the edge of the bottom.

Q What was her husband's name at that time? A Billy Walker.

Q That was the father of Vjarley? A Yes sir.

Q And she was sick at that time? A Yes, sir.

Q That was when Charley was born? A Yes, sir.

Q And that's the first time you saw her after the war? A Yes sir; that's the first time I went to see her after the war; she just had got back, I don't know how long she had been there, but I went to see her then, I am telling you, you know -

Q Where did she and her husband live, do you recollect? A Lived there at Steve Smith's, and ~~when~~ he was so trifling she went out and worked around.

Q What became of Billy Walker? A I don't know, he went off from there after she quit him.

Q How long did she remain in the vicinity of Ft. Gibson? A About two or three or four months, around in the neighborhood there, I could hear of her around and see her every once in a while.

Q Where did they go, from there? A I don't know where she went when she left Gibson, she come up this way.

Q Didn't you hear of her going back to Kan east? A No sir, I didn't hear of that.

Q You know where she and Phillips, her present husband, were married? A I don't know exactly, was married at my house, didn't you marry him at my house (to applicant), there was a preacher come along and married them at my house at one time.

Q Married her to who? A Phillips.

Q What was his first name? A I don't know, he was a state soldier

- Q What preacher married them? A Just a travelling preacher.
- Q What was his name? A I don't know, I never asked him his name.
- Q You know her husband? A Yes sir, I don't know his first name but I don't know the preacher that married them.
- Q How long had you known them before they were married? A Not very long.
- Q About what time was it they married? A Just awhile before she left there he came and married them; she stayed there until she had two children, after Charley was born she had a girl, Bessie.
- Q You don't know where the rest of them were born? A No sir.
- Q But Charley and Bessie were born there at Ft. Gibson? A Yes sir.
- Q Are the others were born here in the country somewhere? but I don't know where.
- Q Did she keep house with her husband there at Ft. Gibson? A Yes sir, right there close to me in one of my houses.
- Q You never could get her husband's first name? A No sir, just called him Mr. Phillips.
- Q What did Phillips do, do you know? A I never paid much attention, but he done one thing and another.
- Q What part of town was that? A Right there near me.
- Q How long did they stay there? A About two or three years after I married, as near as I can recollect.

BY COM'R NEEDLES:

- Q You have heard of the year '66? A Yes sir, I have heard so much about it I am bound to recollect it.
- Q You have testified of people being here too in '66? A Yes sir.

SAM WEBBER, being sworn by Com'r Needles, testified as follows

By MR. NEEDLES:

- Q What is your name? A Sam Webber.
- Q Your age? A About 58
- Q Post-office? A Nowata.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Your name on the authenticated roll of 1860? A Yes, sir.
- Q Are you acquainted with the applicant here, Mrs. Martha Phillips? A Yes sir.
- Q How long have you known her? A I got acquainted with her at Ft. Scott time of the war.
- Q What year was that? A Time of the war
- Q When was the first time you saw her in the Cherokee Nation after the war? A Along in the fall of '66.
- Q At what place in the Cherokee Nation? A Big Creek.
- Q Have you seen her continuously since that time in the Cherokee Nation? A No sir, not since that time, not continuously since.
- Q How long after the fall of '66 did you see her before you saw her again? A I can't remember exactly.
- Q Well about? A 4 or 5 years after that as well as I can remember
- Q Then how long was it after this time before you saw her again? A Well I have been seeing her after that once in awhile when I was out stayed down in the lower part of the country.
- Q Do you know where she now lives? A She lives on Grand river, I never was right at her place.
- Q Is the Cherokee Nation? A Yes, sir.

BY MR. NEEDLES:

- Q What's this girl's mother's name? A Aunt Emily Thompson.
- Q What was her name in Kansas when you knew her? A Yes sir.
- Q You never knew her until you saw her in Kansas? A No sir.
- Q Did she come with me to this? A No sir.
- Q She came with her father? A No sir.
- Q She did not come with? A Uncle George Smith.
- Q You didn't witness for this girl before the Kern-Clifton Court? A No sir.
- Q You didn't remember it at the time that time did you? A I couldn't have told you if you had asked me.

Q You are now coming in to witness that you saw a girl and it was 35 years ago and you saw her in '66? A I was acquainted with her and she came along in that crowd.

Q Do you pretend to say that you remember all the people you saw in '66? A No sir, they was with us.

Q Did they come down with you? A Come down just afterwards.

Q What year did you come down? A In '66.

Q You testified about being in Ft. Gibson in '65 A Yes sir

Q And you got with a woman and come up here on the Verdigris and spent the winter? A Yes, sir.

Q Then you go on back up to Kansas and return? A Yes sir.

Q But you hunted around here somewhere three or four, months, two or three months? A Yes sir, hunter there all the winter.

Q You didn't tell anything about that five years ago? A No sir if you had asked me I could have told you.

Q This same sort of investigation was going on at that time?

A Yes sir.

Q Caesar Smith ~~was~~ didn't come back with you? A No, sir.

Q How far did he locate from you when he did come back? A About 3 quarters of a mile.

Q Did you testify for Caesar Smith 5 years ago? A No sir, he was dead at that time.

Q Testified for any member s of his family? A No sir, I didn't

Q Did he continue to live there at that place he located about three quarters of a mile from your place until he died? A It was the same place, but he moved out to have water.

Q On Big Creek? A Yes, sir.

Q How long do you remember seeing this woman there in '66? A She wasn't there many days.

Q And yet you remember that circumstance 35 years ago? A Yes sir.

Q Where did she go from there? A Her uncle took her from there, said he was going to Ft. Gibson with her.

Q You remember meeting him there at that time? A Yessir, he stayed with me at that time and talked with me a good while.

Q Who did? A Her uncle.

Q What was his name? A Charley Brown.

Q She wasn't married then? A No sir, she was just a girl.

Q She didn't have a husband along with her? A No sir.

Q Man named Walker wasn't there with her then? A No sir.

Q She had no child then? A No sir.

Q Where did you next see her? A I saw her in Ft. Gibson after that

Q How long after that? A It must have been 4 or 5 years I reckon after that.

Q Where was she living then? A I just saw her there in Gibson, just come in town.

Q You don't know where she was living? A No sir.

Q Where did you next see her? A Down here on Brushey.

Q Who was she living with then? A She was living with this man named Phillips then.

Q You know where she married him? A No sir, I couldn't tell you that.

Q You testified in Abraham Ward's case didn't you? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined for applicant and found on

page 168 #4141 Charles Walker, Saline District.

Applicant, MARTHA PHILLIPS, re-examined, and further examined;

BY COM'N FEEBLES;

Q Charles Walker is in the penitentiary? A Yes sir.

Q Is he living now? A Yes sir.

Q Did his wife have him snarled with her? A No sir, I don't think she did.



**BY MR. HASTINGS:**

Q Of what was he convicted? A Of breaking in Mr. Walker's store.  
 Q Dick Walker's A Yes, sir.  
 Q How long ago? A I don't know, it may have been a year or little over, I don't know exactly.

**COM'R NEEDLES:** Martha Phillips applies for the enrollment of herself and minor children, Charles, Alice, William and Benjamin Phillips; she can not be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll; she and her four children are identified upon the Kern-Clifton roll; she applies also for a son, Charley, 29 years old; avers that he is now confined in the penitentiary and impossible for him to be present, said Charley Walker is also identified upon the Kern-Clifton pay roll; by reason of the fact that her name does not appear upon the authenticated roll of 1880 and the protest of the Cherokee Nation, said Martha Phillips and her children enumerated herein and said Charley Walker, will be listed for enrollment as Cherokee Freedmen on a doubtful card; she will be notified by due course of mail by the Commission of the decision in her application when the same is arrived at.

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

( Signed )

M D Green

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

( Signed )

T. B. Needles

Commissioner.

Lucy M. Bowman being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the 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 20th day of July 1904.

Charles [Signature]

Notary Public



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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
JAMES SMITH as a Cherokee freedman:

The Cherokee Nation makes satisfactory proof of service on said James Smith that testimony would be introduced by its representatives at the offices of the Commission at Muskogee, Indian Territory, on the 2d day of March, 1902, and from day to day thereafter, tending to disprove his rights to enrollment as a Cherokee freedman. The applicant, James Smith, has this day, to-wit: the 4th day of February, 1902, been called three times and fails to respond either in person or by attorney, and the testimony will be heard.

Mr. W. W. Hastings, Cherokee Representative, present.

NELSON LEWERY, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HASTINGS:

- Q What is your name? A Nelson Lewery.  
Q How old are you? A 41.  
Q What is your post office address? A Tahllequah.  
Q Do you know James Smith the applicant? A Yes, sir.  
Q He was also known as James Rular? A Yes, sir.  
Q Where did you live immediately after the war? A Oh, I lived out on Four Mile Branch on what called Four Mile Branch and part of the time in Fort Gibson.  
Q State the circumstances of your seeing James Smith, the first time after the war? A Along about '69 or '70. James came down to live with Steve Smith, married a cousin of mine; he got into trouble in Kansas about hitting a white boy in the head; he was staying there at his uncle's house, going to school.  
Q Is that the first time you saw him after the war? A Yes, sir.  
Q Did you know Steve Smith? A Yes, sir.  
Q Married a cousin of yourself? A First cousin of mine.  
Q Had you been staying there before that? A Yes, sir; my mother raised his wife from an infant.  
Q You had been in his home frequently? A Yes, sir.  
Q You never saw this applicant, James Smith, before that time? A Until he got into that trouble in Fort Scott, I believe it was.  
Q He came from Fort Scott down there? A Somebody brought him down; I don't know who brought him, he was scouting.  
Q He afterwards got into some trouble with Maxwell Mackay?  
A Maxwell shot him five or six times.  
Q He was tried for it? A Yes, sir; he was taken to Fort Smith and tried for it and convicted.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

John Carson  
Stenographer.

Faint, illegible text at the top of the page, possibly a header or title.

1904  
MAY 10 1904

ROBERTA BARTON  
Handwritten signature

Subscribed and sworn to before me this 12th day of July 1904

Handwritten signature

and complete copy of the original certificate  
made the same and following copy, and that the same is a true  
and correct copy of the original as the same appears from the  
records of the Commission on the part of the State of New York

COMMISSIONER OF THE STATE OF NEW YORK

ROBERTA BARTON  
(SIGNED) CHARLES H. SWANER

Subscribed and sworn to before me this 12th day of July 1904

FILED  
JUL 13 1904  
RECORDS AND CLERK

and complete copy of the original certificate  
made the same and following copy, and that the same is a true  
and correct copy of the original as the same appears from the  
records of the Commission on the part of the State of New York

and complete copy of the original certificate  
made the same and following copy, and that the same is a true  
and correct copy of the original as the same appears from the  
records of the Commission on the part of the State of New York

Made part of the record by Cherokee freedmen D-172

Cherokee Freedmen  
D 852 and D 881.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,,  
MUSKOGEE, I.T., JUNE 17, 1904.

ADDITIONAL TESTIMONY in the matter of the application for the enrollment of Martha Phillips, et al., and Bessie Phillips, et al., as Cherokee freedmen; said case having been continued from June 16, 1904.

APPEARANCES:

Applicants by their attorney, A. S. McRea,  
Cherokee Nation by its attorneys, W. W. Hastings and  
L. E. Bell.

FRANK SMITH, being first duly sworn, testified as follows:

By Mr. Hastings:

Q What is your name? A Frank Smith.

Q How old are you? A 59.

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

Q Have you lived in and about Fort Gibson? A Yes, sir.

Q How long have you lived there? A I was raised there, born and raised there.

Q Do you know a colored woman over there who goes by the name of Polly Nivens, or Polly Ross? A Yes, sir.

Q Do you know her reputation for truth and veracity in the community in which she lives? A Yes, sir.

Q Is it good or bad? A Bad.

Q Would you believe her under oath? A No, sir.

Q By Mr. McRea:

Q Where do you live? A Braggs.

Q What is your occupation? A Farmer and deputy Marshall.

Q You say you are acquainted with Polly Nivens? A Yes, sir.

Q And that her reputation for truth and veracity is bad? A Yes, sir, notoriously bad.

Q You know that of your own knowledge? A Yes, sir.

Q Tell how you know it and under and by what circumstances? A By hearing her tell stories and knowing that she will tell them and knowing that she has got children and a husband and that none of them belong to him, hardly.

Q Did you ever have any dealings with her? A Yes, sir.

Q What were these dealings? A Trading in little things; she lived near to me.

Q Tell the different transactions? A Trading in corn and chickens, and such things.

Q How come her to lie to you? A She promised to pay me and would not do it.

Q And that is the reason for her reputation for truth and veracity being bad? A Yes, sir.

Q Have you any other statement to make pertaining to her reputation?

A No, sir.

Q And you further state that she has a number of illegitimate children? A Yes, sir.

Q How do you know? A She told me so.

- Q How come her to tell you? A I was talking with her.  
Q How old were these children? A One about 25.  
Q What is the name of that one? A Mary Walker.  
Q Did she tell you who the father of Mary Walker was? A Jack Walker.  
Q What is his nationality? A Cherokee.  
Q Who was the father of the other children?

Mr. Hastings: Objected to as not being proper cross-examination of matter brought out by examination in chief.  
Commission: Objection noted.

- Q What was the name of another? A Alice.  
Q Who is her father? A Dr. Howard.  
Q Did she tell you so? A Yes, sir.  
Q Any other children? A Yes, sir.  
Q Do you know their names? A She had two twin boys and then there was a girl, I don't know her name.  
Q Is her name Maggie? A I don't know.  
Q What are the names of the twin boys? A One is ~~named~~ named Henry and the other Ed, called him Big Six; he is dead.  
Q Do you know who is the father of these two last named? A Henry George; they call him Henry Ross.  
Q He is the present husband of Polly Ross? A Said to be ever since the war.

G.W. Benge, being first duly sworn, testified as follows:

By Mr. Hastings:

- Q Your name is G.W. Benge? A Yes, sir.  
Q Your post office is Tahlequah? A Yes, sir.  
Q How old are you? A 53.  
Q Have you lived in and about Fort Gibson? A Yes, sir, in the past.  
Q Your father used to live there? A Yes, sir.  
Q You have a brother living there now? A Yes, sir.  
Q Are you acquainted in and around Fort Gibson? A Yes, sir.  
Q Do you know a big colored woman by the name of Polly Nivens or Ross? A Yes, sir.  
Q Do you know her reputation for truth and veracity in the community in which she lives? A Yes, sir, when I lived there.  
Q Is it good or bad? A Bad.  
Q Would you believe her under oath? A No, sir.

By Mr. McRea:

- Q Why? A Because her reputation was bad in more than one way. Her chastity was bad; a married woman whose chastity is not good-----  
Q Don't discuss it. And you base your reasons from the fact first that she is an unchaste woman? A One of them, yes, sir.  
Q What was another reason? A She is regarded as not being truthful by the citizens that lived around there.  
Q Who did you ever hear say that she was not worthy of belief?  
A Various ones; I couldn't recall; she used to work a good deal around there. I have heard my stepmother.  
Q What is her name? A Nancy Benge; she used to work for her.  
Q Who else? A One man Lewis Thornton, a near neighbor.  
Q How long since you have lived in and around Tahlequah, how long have you lived in and around Tahlequah? A Since 1883.

Q Then you don't know anything of your own knowledge as to her reputation for truth and veracity since 1883? A No, sir.

Q 20 or more years ago? A Yes, sir.

Q You are not prepared to say that her reputation for truth and veracity since that time is not good? A She may have changed.

Q In other words she may have changed? A Yes, sir.

By Mr. Hastings:

Q Have you heard anything about this woman during the last four or five years? A Yes, sir.

Mr. McRea: Objected to for the reason that it is hearsay. It is therefore, incompetent, irrelevant and inadmissible. Commission: Objection noted.

I have heard a great many people, of course I can't recall them, who have said that her testimony was such as could not be approved by the Commission in a great many cases.

Q You have heard that recently? A Yes, sir.

McCoy Smith, being first duly sworn, testified as follows:

By Mr. Hastings:

Q What is your name? A McCoy Smith.

Q What is your postoffice? A Braggs.

Q Are you well acquainted in and about Fort Gibson? A Yes, sir.

Q Do you know a colored woman by the name of Polly Hivens or Polly Hess? A Yes, sir.

Q Do you know her reputation for truth and veracity in the community in which she lives? A Yes, sir.

Q Is that good or bad? A X Bad.

Q Would you believe her under oath? A No, sir.

Q Did you use to live at Fort Gibson? A Yes, sir.

Q Are you frequently there now? A No.

Q You go there some don't you? A Yes, sir, once in a while; haven't stayed there for a long time.

Q You don't go there as frequently as you used to? A No, sir.

Q You used to live there? A Yes, sir.

Q You have heard a great many people talk about the false testimony that this woman give before the Commission?

Mr. McRea: Objected to for the reason that it is hearsay testimony; that the names of some of the declarants have been mentioned, nor any evidence purporting to show that the declarants are dead and for that reason the evidence is inadmissible.

Commission: Objection noted. Witness will answer.

A Yes, sir.

JACK WALKER, being first duly sworn, testified as follows:

By Mr. Hastings:

Q Your name is Jack Walker? A Yes, sir.

Q Your postoffice is Fort Gibson? A Yes, sir.

Q How long have you lived in and about Fort Gibson? A I have been living there since 1866 or '7.

Q Do you know one Polly Hess or Hivens that lives there about Fort Gibson? A Yes, sir.

Q Do you know her reputation for truth and veracity in the community in which she lives? A Yes, sir.

Q Is that good or bad? A Bad.

By Mr. McRea:

Q Do you know of your own knowledge that her reputation for truth and veracity is bad? A Yes, sir.

Q State your reasons? A I have several reasons for knowing that it is bad.

Q State some of them? A In the first place she always kept a bad crowd around her, outlaws and such characters as those, and she always kept a house of illfame.

Q Any other reason? A Aint that enough?

Q You are testifying? A I think it is.

Q Do you mean by that, because a person keeps a crowd of desperados and other bad characters around that they couldn't tell the truth?

A I wouldn't believe them on oath. A person that becomes so degraded as to keep that class of people around them I think it would be a great deal worse than not telling the truth.

Q How close do you live to Polly Ross? A In the first place I lived within a mile and a half of her; after I married I moved off four, five or six miles.

Q How do you know she kept these crowds there? A I have been there frequently and seen them there.

Q You were around, yourself, were you? A Of course I was.

Q Were you among the crowd? A No, sir, but I have been around there frequently.

Q What were you doing there?

Mr. Hastings: Objected to as not proper cross-examination.  
Commission: Objection noted.

Q Do you know of any other reason why she would be unworthy of belief? A I don't know that I do.

Q Your statement here is pertaining to her veracity, what about her telling the truth, you haven't said anything about that? A I stated that I would not believe her under oath, and on these grounds I wouldn't.

By Mr. Hastings:

Q Mr. Walker, what is her reputation for telling the truth? A It is bad; I don't think there is anyone in that part of the country that would believe her.

By Mr. McRea:

Q You are testifying to what you think and not to what you know?

A I base my belief on what I have heard lots of other people say in regard to the character of the woman.

Q We are testifying about her telling the truth, what is her reputation for telling the truth? A I don't know; I stated to you that I would not believe her on oath.

Q You stated that you would not believe her on oath because she was unchaste, and you were testifying to the question of veracity; and now we are testifying about her being reliable to telling the truth? A I don't think she would tell the truth.

A You don't know of your own knowledge? A No, sir, I don't know that I do.



By the Commission:

Q How long has Polly Hivens lived at port Gibson to your knowledge?

A I think I got acquainted with her in 1867, and she has lived around in that neighborhood ever since.

Q How long have you lived in that neighborhood? A I think it was in 1866, or 1867, when we moved there.

A And you have known her all these years? A Yes, sir, I have seen her sometimes two or three times a week, most every week anyway.

Mr. McRea: Some now the attorney for the applicant and moves the Commission to strike from the face of the record all of the evidence herein adduced by the witnesses introduced by the Cherokee Nation, pertaining to the question of truth and veracity of the witness, Polly Hivens, for the reason that it is not a proper mode or way of impeaching the testimony of a witness who has testified upon ~~ix~~ any proposition in court.

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 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.

(Signed) H.M. Vance.

Subscribed and sworn to before me this the first day of July, 1904.

(signed) Charles H. Sawyer,  
Notary Public

Edith L. Morey, 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 the original transcript.

Edith L. Morey

Subscribed and sworn to before me this 13th day of July 1904.

My Commission Expires January 1st, 1905.



H. H. Martin Jr.  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for enrollment of JAMES SMITH as a Cherokee freedman.

It appears that on May 7, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on June 18, 1904, and introduce further testimony touching the points mentioned in said letter. The applicant failing to appear on the 18th, this case is taken up, by agreement, on this the 18th day of June, 1904, when the following testimony was introduced:

APPEARANCES:

Applicant appears in person.  
Cherokee Nation by its attorneys, W. V. Hastings and L. B. Bell.

JAMES SMITH, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A James Smith.  
Q How old are you? A 47.  
Q What is your postoffice address? A Muskogee, now; generally Fort Gibson, where I was raised.  
Q You live in the Creek Nation? A Yes, sir, working here.  
Q What was the name of your father? A Foreman.  
Q What Foreman? A Jim Foreman.  
Q What was the name of your mother? A Emily.  
Q Emily what? A Wann.  
Q Is she living? A Yes, sir.  
Q Is she a Cherokee freedman? A Yes, sir.  
Q Was your father a Cherokee freedman? A Yes, sir.  
Q Were you a Cherokee freedman? A Yes, sir.  
Q Who did you belong to before the war? A Will Thompson.  
Q Are you a brother to Martha Phillips? A Yes, sir, half, on my mother's side.  
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.  
Q Where did you go to? A Fort Scott.  
Q Fort Scott, Kansas? A Yes, sir.  
Q When did you return to the Cherokee Nation after the war? A I believe it was the summer of '66.  
Q To what point in the Cherokee Nation did you return? A To my uncle's, Steve Smith's, house.  
Q Where was that? A About two miles from Fort Gibson, or a mile and a half, not over two miles.  
Q How long did you stay there? A Until I was grown.  
Q Have you always lived in the Cherokee and Creek Nations since that time? A Yes, sir, from Fort Gibson to Muskogee has been my home for 48 years.  
Q How long have you been living in the Creek Nation? A Off and on about, I don't know exactly, a good while; I lived in the Creek Nation till they said I had to come back to the Cherokee nation, and I moved back here and got me a farm.

Q You say you came to your uncle's house in the summer of 1866 and remained with him until you were grown and married? A Yes, sir.

By Mr. Hastings:

Q Who brought you back to the Cherokee Nation? A Jim Gate.

Q Did he have any other name? A I don't think so, I don't know.

Q Was he a colored man? A Yes, sir.

Q Was he a Cherokee freedman? A I think not.

Q Did he continue to live around Fort Gibson? A I never saw him any more after I came down there; he died shortly after that.

Q Did you and he come together? A Yes, sir.

Q Anybody else? A No, by ourselves.

Q How did you come down there? A In one of those old van carts right after the war I came with him; he said he would bring me home, and I come on down.

Q Where did you come from? A Fort Scott.

Q Fort Scott, Kansas? A Yes, sir.

Q Were you living in town? A Yes, sir.

Q In the town of Fort Scott? A Yes, sir.

Q Your mother's name was Emily Vann? A Yes, sir.

Q You left her in Kansas? A Yes, sir.

Q You are a half brother of Martha Phillips? A Yes, sir.

Q She was up there at Fort Scott? A Yes, sir, I left them up there.

Q Now what time of the year was it that you come to Uncle Steve's? A It was in the summer.

Q Did he have a crop planted? A Yes, sir.

Q Did you see Captain Dunge up there at Fort Gibson at that time?

A I saw him in '68, I believe, he moved---

Q Did you see Mr. Nash at Fort Gibson at that time? A I believe I saw him several times; I was not allowed to go to town much; on Saturday was the only time I got to go to town; I had to work.

Q You are also known as Jim Huler? A Yes, sir, nick name.

Q What year was the Wallace roll made and money paid on it? A I don't know. Q What year was the Kern-Clifton roll of Cherokee freed-

men made? A I don't know.

Q What year was the large payment made on that Kern-Clifton roll?

A I don't remember; I couldn't.

Q Have you ever been married? A Yes, sir.

Q When were you married? A I was married about 16 years ago.

Q Can you remember the year? A No, sir, I could trace it back.

Q But you don't remember the exact year? A No, sir.

Q Have you got some children? A Yes, sir.

Q What year was the first one born? A Joe was born in 1860.

Q Where were you living in 1860? A Right here in Muskogee.

Q What is your youngest child's name? A Lucy.

Q When was she born? A In '90.

Q In that exact year? A In the year of that Creek payment, '90 something.

Q You don't remember the exact year? A No, sir.

Q And don't remember the exact year your first one was born? A No, sir, sometime in the eighties.

Q But you don't remember the exact day? A We have got it down, but I don't remember it exactly.

Q You are not good at remembering dates? A Little thing like that I don't remember.

Q You don't remember a little thing like drawing \$200 for the members of your family, you don't remember? A No, sir, I just went and got it and didn't pay any attention to it.

Q Do you know Frank Smith? A Yes, sir.

Q Where was he living when you got back? A I don't remember seeing him until away after I was born, 16 or 18 years, I reckon.

- Q How did you come by the name of Smith? A My uncle Steve Smith.  
Q Did he belong to some of those Smith's? A Yes, sir.  
Q Do you know Junie or Mobery Smith? A I know Junie.  
Q Was he living here when you came back? A No, sir.  
Q You never saw anything of either of them? A If I did, I never paid no attention to it.  
Q Where was Steve Smith living when you came to his place? A He was living; he had their place.  
Q Where was he living? A Right there by Betty Teel's.  
Q Right out by S. H. Benge's place? A Yes, sir, the other side.  
Q How far? A I don't know, not but a little ways.  
Q Quarter of a mile? A Yes, sir, I guess so.  
Q How far was that from Fort Gibson? A Half a mile.  
Q Was that the point you went to first when you came back here with that fellow Quate? A Yes, sir.  
Q First point? A Yes, sir.  
Q And that is where Steve Smith was living? A It was too far down the creek and he moved it.  
Q It was on the same place? A He built another house.  
Q He lived further down on the creek, did he? A Yes, sir.  
Q How far was that from Captain Benge's place? A Just a little ways, not very far.  
Q Just on the other side of Smith's place? A Yes, sir.

By the Commission:

- Q How old were you when you returned to the Cherokee Nation, as you say, in the summer of 1866? A As near as I can recollect, I must have been 10 or 12 years old; I was small.  
Q How do you happen to remember that it was the summer of 1866? A Mother said that Steve had written to her; she didn't have her right mind at the time; she said my brother had written to me and she said, "you can take Jim in order that he can be there in time, in 1866;" we got letters from uncle Steve; that is why I know, because she was talking to this man Quate.  
Q What was the name of your mother's brother that wrote to her? A Steve Smith.  
Q And it was to his house that you came? A Yes, sir.  
Q He was living in the Cherokee Nation then? A Yes, sir, when I first came here my uncle wasn't married; he married after I came.

By Mr. Hartings:

- Q Was he keeping house? A Yes, sir, he batched.  
Q How long after you come till he married? A Sometime, I guess it must have been five years, I guess, maybe longer.  
Q What month did you come down in there, June or July, in the summer? A Corn was ink resting years; he had a little patch down there on the creek and I went out to get resting years.  
Q What month do you think? A Along in August, I reckon.  
Q You don't know what time in August? A No, sir.  
Q You really don't remember another date that you can mention positively, only 1866? A That is all; I remember that by talking about it so much.  
Q How old were you? A 10 or 12 years old.

WINNIE REEVES, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Winnie Reeves.  
Q How old are you? A About 40 years old.  
Q What is your postoffice address? A Hedgocoe.  
Q Are you a Cherokee freedman? A Yes, sir.  
Q Do you know the applicant in this case, James Smith? A Yes, sir.

Q How long have you known him? A About 37 or 38 years, I guess.  
 Q Where was he living when you first got acquainted with him?  
 A Fort Gibson.  
 Q With whom? A His uncle, Steve Smith.  
 Q Can you state what year it was that you first saw him there?  
 A About '87 or '88, we went to school together at Fort Gibson.  
 Q Were you living in Fort Gibson, yourself? A Yes, sir.  
 Q What was your name at that time? A German; Caroline German was my mother.  
 Q Do you know how long the applicant here, James Smith, continued to live in and near Fort Gibson after you first saw him in 1887 or '88? A I don't know just how long he lived there; we went to school there most of our lives.  
 Q How long did you live there? A Until after I was married; had children there.  
 Q About how many years? A About 18 or 19 years.  
 Q After 1887 or '88? A Yes, sir.  
 Q And was Jim Smith living in that neighborhood all that time?  
 A When I was there he was, yes, sir.  
 Q Do you know anything about his residence since you have left Fort Gibson? A No, sir.  
 Q Do you know where he is living now? A Yes, sir.  
 Q Where? A Here in Muskogee, working for Mr. Galager.

By Mr. Hastings:

Q Were you living in the town of Fort Gibson when Jim was a boy?  
 A Yes, sir.  
 Q Before and after? A Yes, sir.  
 Q Born there? A No, sir, born at Tallapoosa, at the Seminary.  
 Q When did you move to Fort Gibson? A Always stayed there.  
 Q If you were born at Tallapoosa you had to go there? A I was brought there when I was a baby.  
 Q And you continued to live there up till what time? A Till I was married.

By Mr. Smith:

Q When I came from Kansas I was a small boy wasn't I? A Yes, sir, about 10 or 11 years old, I guess. Fannie Hurt and Fannie Deane were our teachers.

**JIM JOHNSON, being first duly sworn, testified as follows:**

By the Commissioner:

Q What is your name? A Joe Johnson.  
 Q How old are you? A I don't know exactly, 38 something.  
 Q What is your postoffice address? A Haynes.  
 Q What district do you live in? A I live in the Creek Nation now, Arkansas district.  
 Q Are you a Cherokee freedman? A Yes, sir.  
 Q You live in Arkansas Town, Creek Nation? A Yes, sir.  
 Q Do you know the applicant in this case, James Smith? A Yes, sir.  
 Q How long have you known him? A Since '88.  
 Q What time in the year 1888 did you first see him? A I don't remember anything about the time; only it was in '88.  
 Q You don't remember what time of the year 1887? A No, sir.  
 Q Where did you see him in 1887? A Fort Gibson, at Steve Smith's.  
 Q Was he living there at Steve Smith's? A Yes, sir.  
 Q Is Steve Smith any relation of his? A No.  
 Q What age boy, or about, was the applicant at that time? A A good sized boy.  
 Q About how old would you have taken him to be? A What time was between you and 18 years old, maybe older. I don't know anything about his age.

- Q Were you living in Fort Gibson in that year, yourself? A Yes, sir.
- Q How long did you continue to live in Fort Gibson? A Until I left and went out; I stayed there for 20 or 30 years.
- Q You were there most of the time for that period? A Yes, sir.
- Q During that time did Jim Smith continue to live near Fort Gibson? A Yes, sir.
- Q Do you know where he is living now? A Stopping here in Muskogee now, he says.
- Q Do you know whether or not he has ever lived outside of the Indian Territory since you saw him in Fort Gibson in 1866? A Never heard of it.
- Q And he lived there in the Cherokee Nation, near Fort Gibson, for some 20 or 30 years? A Yes, sir, I did during the time I was there; I left him and went to the Strip and when I come back he was there.
- Q What year did you go to the strip? A I don't know what year.
- Q Do you know whether or not Jim continued to live at Fort Gibson until he was grown? A I never heard of his being or going off.
- Q You were there did you see him? A I was a way off and soon.
- Q But you would go back now and then? A Yes, sir, and he was there every time I would go back.
- Q When was the first time you left Fort Gibson after 1866? About how many years did you stay there before you left at all? A A good long while.
- Q Several years? A Yes, sir, a good long time, I served as police there a good while before I left.
- Q Was Jim ever absent from there up until the time you first left? A No, sir, if he was I never missed him.

By Mr. Hastings:

- Q What year did Mr. Wallace make a roll of Cherokee freedmen? A I don't remember the year.
- Q What year was it Kern-Clifton made a roll of Cherokee freedmen? A I don't remember; I don't pay any attention to these things; I can't read.
- Q You don't pay attention to years and dates? A No, sir, only when I ask people.
- Q You can't read? A No, sir.
- Q You depend upon what people tell you about dates? A Yes, sir.
- Q Where did you live just after the war closed? A I stayed a year in Sequoyah and when I left Sequoyah I went to Flint.
- Q Flint District? A Yes, sir.
- Q How long did you stay there? A Not very long.
- Q About how long? A About two or three months probably.
- Q Where did you go from there? A Back and forwards to Tahlequah until I moved my folks to Fort Gibson.
- Q When did you move to Fort Gibson, about how long after the war? A It must have been about five or six years, but I wasn't with them at Sequoyah.
- Q You moved your folks to Fort Gibson about five or six years after the war? A Yes, sir, somewhere along there.
- Q Where were your folks living before you moved them to Fort Gibson? A Sequoyah, I mean my mother.
- Q Did you have a wife? A No, sir, not until here lately I took a notion to settle down. The woman I married was working down here on Spanish Creek; she is a Greek citizen, and I took her.
- Q You lived in Sequoyah about a year after the war, did you go out during the war, down south? A Yes, sir.
- Q Who did you come back with? A He and my mother.
- Anybody else? A No, sir.

- Q You came back after the war to Sequoyah? A Peace wasn't made when we came back.
- Q About a year after that you went to Flint, you and your mother?
- A She didn't go when I went.
- Q Did she ever go? A Yes, sir, a good while after that.
- Q Where did you go from Flint? A Fort Gibson.
- Q I thought you went to Tahlequah? A Just backwards and forwards to Tahlequah and then, I don't know to tell you the truth all I was doing, because ---
- Q Just backwards and forwards? A Yes, sir, till I located there.
- Q You located at Fort Gibson some five or six years after the war?
- A Yes, sir, after being in there, travelled backwards and forwards, I settled down there.
- Q Did you know Steve Smith's wife? A Yes, sir.
- Q Did you know his family? A That was all he had.
- Q His wife? A Yes, sir, and this boy; he had no children.
- Q Was this boy, when you first saw him, living there with Steve and his wife? A Yes, sir.
- Q What was Steve's wife's name? A Nan.
- Q Where was Steve and his wife living when you first saw this boy, Jim, after the war? A South of Fort Gibson, in the country a piece.
- Q How far from Captain Benge's place? A Not very far.
- Q Adjoining Captain Benge's place? A No, sir, I think not, a little string between them; Benge lived east and he lived southeast.
- Q Were they neighbors? A Yes, sir.
- Q Living neighbors when you saw this boy at Smith's place? A No, sir, not at that time; Benge was living in town at that time; up there by the old garrison.
- Q Captain Benge was living in town? A Yes, sir, until he went out to the country. Steve was living there before he was.
- Q Steve and his wife Nan? A Yes, sir.
- Q Joe, you are not positive about any dates are you? A No, sir.
- Q You don't know what time of the year you first saw this man, Jim Smith? A No, sir.
- Q You don't know whether it was in April, May, June, January or October? A It was along in the summer, but I don't remember the day of the month.
- Q You don't have any idea about that? A No, sir.
- Q But you know that when you first saw him that you saw him out at Steve Smith's place and Steve and his wife was living there together at the time you first saw this man after the war? A Yes, sir.

By Mr. Smith:

- Q Joe, how big was I when you first saw me? A Didn't you hear me state I don't just remember.
- Q When you first saw me, my uncle Steve and Nan wasn't married when you first saw me, state what you knew about it? A That was the first time I saw you was with Nan and Steve.
- Q That was directly after the war? A Yes, sir.

By the Commission:

- Q How do you happen to recollect that it was the year 1867? A People told me; that is where I got it; said it was that year; I ask these questions that I don't know.
- Q Was it generally talked of in the neighborhood that that was the year, '67? A Yes, sir.

HOWELL HACKETT, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

By the Commission:

- Q What is your name? A Howell Hackett.
- Q How old are you? A About 50.
- Q What is your postoffice address? A Muskogee.

- Q Are you a Cherokee freedman? A Yes, sir.  
Q Do you know the applicant in this case, James Smith? A Yes, sir.  
Q How long have you known him? A Ever since before the war.

By Mr. Hastings:

- Q I will ask you if you ever had any difficulty, or charged with having any difficulty, with him after the war? A Yes, sir.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q You are on the 1880 roll? A Yes, sir.  
Q Are you an uncle of this man? A Yes, sir.  
Q Always been a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Did you have any trouble with this applicant any time since the war? A I did over there at Gibson.  
Q About how long after the war was that? A Along about '79, I guess, '78 or '79, '78, I think; I know it was.  
Q Well, were you arrested for it? A Yes, sir.  
Q What were you charged with? A Assault and attempt to kill.  
Q By shooting? A Yes, sir.  
Q Where were you first arrested, by whom? A Arrested by the Cherokees.  
Q Were you tried by the Cherokee courts? A I was taken down there and they threw my case out of court.  
Q Upon what grounds? A Said they didn't have no right to try me.  
Q Why? A Said he wasn't a citizen and couldn't try me.  
Q Were you turned loose? A Yes, sir.  
Q You were afterwards arrested? A About a year after that I guess, I don't know how long the marshalls arrested me.  
Q What marshalls, what courts? A Fort Smith.  
Q Was that a Cherokee court of United States court at Fort Smith? A United States court.  
Q Were you arrested charged with this same offense down there? A Yes, sir, some thing.  
Q Were you tried there? A Yes, sir.  
Q You were a recognized citizen at the time of the Cherokee Nation? A Yes, sir.  
Q Did the United States court at Fort Smith retain jurisdiction over you and try you at Fort Smith? A Yes, sir.

By Mr. Smith:

- Q I was recognized, though, all up to the time our trouble come up, I was recognized as a citizen, wasn't I? A Yes, sir.

By the Commission:

- Q You say you first knew Jim Smith before the war? A Yes, sir, we lived close together down at Webbers Falls; we were little bedfellows his owner was Bill Thompson.  
Q Do you know whether or not Jim went out of the Cherokee Nation during the war? A Yes, sir he went out.  
Q Did you go out of the Cherokee Nation during the war? A No, sir.  
Q When did you first see the applicant here in the nation after the war? A I couldn't tell exactly when I first saw him; I couldn't tell what year when I first saw him after the war.  
Q Could you tell anything about when you first saw him? A No, sir not exactly.  
Q About how long after the war was it? A Must have been two, three or four years; I don't know exactly.  
Q Where was he? A There in Fort Gibson with his uncle, when I first saw him.  
Q What was his uncle's name? A Steve Smith.  
Q Where are you living now? A I stay here in town.  
Q Are you in jail down here? A Yes, sir.  
Q In the United States jail in Muskogee? A Yes, sir.



By Mr. Hastings:

- Q What are you in jail for? A I can't tell you exactly.
- Q You have been tried? A Had a Commissioner's trial.
- Q You haven't had a United States trial? A No, sir.
- Q You are in there awaiting your trial? A Yes, sir.

By the Commission:

- Q Do you know what you are charged with? A When they first put me in jail I saw in the paper they had me in for assault and attempt, and when they tried me up before the commissioner it was whiskey, and I can't tell you what it is.

G. W. BUNGE, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A G. W. Bunge.
- Q How old are you? A 53.
- Q What is your postoffice address? A Tahlequah, I. T.

By Mr. Hastings:

- Q What is your father's name? A E. H. Bunge.
- Q Did you ever live in and about Fort Gibson? A Yes, sir.
- Q When did you and your father move to Fort Gibson? A In the fall of 1867.
- Q Where did he locate? A He located right in the town of Fort Gibson.
- Q Did you live with him at the time? A Yes, sir.
- Q How long did he live there in town? A He lived there quite a number of years.
- Q Didn't he move out of town a piece? A He bought a farm and moved out there and stayed a year or two and moved back to town again until he rebuilt and finally moved out on the farm.
- Q How long did you live in Fort Gibson from 1867 on up? A Until the fall of 1885.
- Q You lived there continuously that time? A Yes, sir, with the exceptions of two or three years I was out on a farm.
- Q Do you know the applicant here, Jim Smith? A Yes, sir.
- Q Did you know him before the war? A Yes, sir.
- Q When did you first see him after the war? A I don't remember just exactly, but taking into consideration the time we came and the first year, the spring of 1868, father rented a piece of land, we worked that, and 1869 he bought the place that was within a quarter of the place where I first saw Jim, that was about the first time to my memory that I saw Jim, about 1868.
- Q About 1869? A Yes, sir, to know him.
- Q You never saw him there before that time? (to your knowledge?)
- A No, sir, until I saw him out at Steve Smith's.
- Q Your father didn't live in that vicinity before 1867? A No, sir.
- Q Where did he live prior to that time? A About 15 miles north of Fort Smith.
- Q Sequoyah District? A Yes, sir, I was born and raised in that country.

By Mr. Smith:

- Q You say the first time you saw me was 1867? A Either the latter part of '68 or '69.
- Q That was your first recollection of me? A Yes, sir.
- Q I could have been there 7, 8 or 10 years without your seeing me?
- A Yes, sir.

By Mr. Hastings:

- Q Do you know who brought him back from Kansas? A No, sir.
- Q Do you know anything about the circumstances of his being brought back? A No, sir. I have enough to say that he must have come before his mother some little time.
- Q But you don't know who he came with? A No, sir, I don't.

M. V. BEMGE, being first duly sworn, testified as follows:

By Mr. Hastings:

- Q What is your name? A M. V. Bemge.  
Q What is your postoffice address? A Fort Gibson.  
Q How long has Fort Gibson been your postoffice? A Since 1867.  
Q What is your age? A 48.  
Q What is your father's name? A Houston Bemge.  
Q Are you a brother of George W. Bemge, who just left the stand?  
A Yes, sir.  
Q Where had you and your father lived prior to 1867? A In Sequoyah district.  
Q You moved to Fort Gibson in 1867? A Yes, sir.  
Q Do you know the applicant, Jim Smith? A Yes, sir.  
Q When did you first see him? A I couldn't just state exactly, a year or two after we moved to Gibson.  
Q Did you live in the town? A Yes, sir, we lived in town.  
Q What size place was Fort Gibson at that time? A Four or five hundred.  
Q You were well acquainted in and about town? A Yes, sir.  
Q Did you know anything about the circumstances of his coming back?  
A I couldn't say the first year I saw him there at his Uncle Steve Smith's.  
Q Do you know whether he was there before you moved to Fort Gibson?  
A No, sir, come there after we moved.  
Q And you moved to Fort Gibson in 1867? A Yes, sir.  
Q Do you know of the Cherokee courts refusing to take jurisdiction over Roswell Mackey for assaulting the applicant? A Yes, sir.  
Q Do you know whether he was tried? A Yes, sir, at Fort Smith.  
Q Is Roswell Mackey a citizen of the Cherokee Nation? A Yes, sir.

By Mr. Smith:

- Q I was recognized as a citizen up to the time of this trouble, didn't you recognize me as a citizen until then, before 1879?  
A I don't know that I could say that you were.  
Q Don't you know positive that I was? A No, I don't.  
Q Didn't you allow me to vote? A I don't know; you might have.  
Q When we supported the same man, don't you know it? A I don't know; I couldn't say.  
Q That was before that trouble came up? A I couldn't say.  
Q You know it, but you wouldn't say it? A I don't know it; I don't know that you were recognized.  
Q You don't know that I was recognized before that trouble came up?  
A No, sir.  
Q Don't you know whether I ever voted across met? A Couldn't say that you did.

By the Commission:

- Q You say that you first came to Fort Gibson in 1867? A Yes, sir.  
Q How long had you been there before you got acquainted with this Steve Smith? A Must have been two or three years.  
Q Before you knew Steve? A I knew Steve before that.  
Q You knew him before you came to Fort Gibson? A No, sir.  
Q How long had you been there before you knew him? A A little while afterwards we bought the place joining the one Steve lived on.  
Q Did you have occasion to go to Steve's house often? A Went right by his house to the field.  
Q When you first came to Fort Gibson? A A year or so afterwards.  
Q If there had been any boy around that place 10 or 12 years old, would you have known it? A Yes, sir.  
Q A colored boy, I mean? A Yes, sir.  
Q How do you happen to remember the occasion of this boy's coming to his uncle's house? A I saw him when he came and heard Steve say so.

Q Who did he come with? A I couldn't tell you; I first saw him at Steve Smith's.

Q And that was some two or three years after you moved to part Gibson? A Yes, sir.

Q Do you know where he has lived since that time? A A part of the time at Gibson and part of the time at Muskogee.

By Mr. Smith:

Q When you first saw me I was a small boy wasn't I? A Yes, sir, you were not grown.

Q About how old was I? A I couldn't tell.

Q About that high? A Taller than that, I couldn't say how high.

Q But I was a small boy? A Yes, sir.

FRANK SMITH, being first duly sworn, testified as follows:

By Mr. Hastings:

Q Your name is Frank Smith? A Yes, sir.

Q Your postoffice is Braggs? A Yes, sir.

Q What is your age? A 59.

Q Where did you live immediately after the war? A About three miles south of Fort Gibson.

Q Did you know a colored man by the name of Steve Smith? A Yes, sir.

Q Did he belong to any of your relatives before the war? A Belonged to Gabin Smith, my uncle.

Q Did you have occasion immediately after the war to see Steve Smith? A Yes, sir.

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

Q Do you know who he belonged to before the war? A No, sir.

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

Q How far did you live from Steve Smith's after the war? A About 2 1/2 miles.

Q Do you know when this applicant returned to the Cherokee Nation after the war? A He never came back until about '69 or '70, as far as I can tell.

Q Where did he come to? A To Steve Smith's out on the prairie, about one and one-half mile from Fort Gibson.

Q You say you had occasion to go to Steve Smith's about that time? A Yes, sir.

Q Had you been there before he returned, and after the war? A Yes, sir.

Q And you think he come back about '69 or '70? A Yes, sir, the first time I remember of seeing him he come in there and went by the name of Jim Smith.

Q You lived, you say, in about 1 1/2 miles of Steve Smith's? A Yes, sir.

Q You think he could have been there as early as 1866 and you not have known it? A No, sir.

By Mr. Smith:

Q Mr. Smith, did my uncle have another wife, did you know his first one? A Yes, sir.

Q What was her name? A Nan.

Q Was that his first one? A That is the first I know.

Q You didn't know his first wife? A No, sir.

Q You just knowed him when he had Nan? A Yes, sir.

Q That was along in what year? A I come to Fort Gibson in the fall of 1866.

Q Was he living with Nan Smith then? A Yes, sir.

Q It was possible then that he was living with Nan Smith in 1866?

A Yes, sir, out there on the prairie about Reuben Thompson's.

- Q When the first time you saw me how large was I? A A good big boy, looked like you might have been 9 or 10 years old.
- Q I will ask you this question, wasn't I recognized as a Cherokee freedman before this trouble came up between me and youwell? A No, not that I know of.
- Q You don't know that I was allowed to vote before this trouble? A No, I don't.
- Q You voted in Illinois district, did you? A Yes, sir.
- Q And you don't know that I was allowed to vote? A No, sir, I never watched you vote.
- Q But you come here? A Yes, sir.
- Q I will ask you this, haven't you ask me to vote for certain men on your ticket? A Not that I remember of, Jim.
- Q If you did you forgot it? A Yes, sir.
- Q And wouldn't be positive, as you don't remember it? A No, sir.

By the Commission:

- Q You say you lived near Steve Smith's house from 1866 for several years beginning with 1866? A Yes, sir.
- Q Did he have any children of his own during that time? A Not that I know of.
- Q Were there any children about the place in 1866 or for a few years? A No, sir, not in 1866.
- Q You know that? A Yes, sir, this is the first boy that I ever knew of being about him.
- Q Do you know who Jim Smith came to his uncle's house with? A No, sir.
- Q How do you happen to remember that it was the year 1866 or 1870 that he came? A Well, just by him not being there any sooner; if he had come sooner I would have known it. I was about Steve a great deal; all through that country among darkies and Indians.
- Q You were pretty thoroughly acquainted with the colored people in that neighborhood? A Yes, sir.

Mr. Hastings: The Cherokee Nation adds that the testimony of Frank Smith, Hodge Smith, George W. Beane and Jack Walker, taken on yesterday, June 17, 1904, in the case of Martha Phillips to impeach Polly Moss or Polly Wixens be copied into and made a part of the record in this case.

Commission: The request of the Cherokee Nation will be complied with. Copies of the testimony referred to will be made a part of the record in this case.

W. H. GALAGER, being first duly sworn, testified as follows on behalf of the applicant.

By the Commission:

- Q What is your name? A W. H. Galager.
- Q How old are you? A 38.
- Q What is your postoffice address? A Mallogee, I. T.
- Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
- Q Do you know the applicant in this case, James Smith? A Yes, sir.
- Q How long have you known him? A 30 years, I guess; remember him 15 or 16 years.

By Mr. Smith:

- Q I was recognized as a Cherokee citizen and allowed to vote in the Cherokee Nation? A Yes, sir, I saw you vote over there.

Mr. Hastings:

Q You have seen a good many people that were regarded as "too late colored people" vote, have you, in an election? A I couldn't say positively that they were too late; some of them were alleged to have been too late.

Q As a matter of fact, around all these elections if a man could find another to vote his way, they were voted? A As I would take it the judges of the elections were competent to pass on citizenship.

Q A great many were taken in unchallenged weren't they? You have been around elections enough to know that? A Yes, sir, I have been around elections.

Q Just a question of a man getting another in there to vote him if he could, isn't that a fact? A I wouldn't say that all who voted were citizens; I take it that when a man votes unchallenged that the judges look upon him as a competent voter.

Q A number of times the question would not be raised? A Yes, sir, a number of times it would not.

Q Sometimes a fellow would be off guard and a fellow slip in and voted, isn't that a fact? A I think there has been---

Q Illegal votes cast in the Cherokee nation? A Yes, sir.

Q Lots of them? A Yes, sir, I understand that in a certain precinct in the Cherokee Nation they voted a good many people outside of the Nation, but I don't know that of my own knowledge, I know that Jim voted; he asked me to tell that. I know he voted four or five times, because I was right there when he did. I know a number of Cherokee were brought to vote that tried to vote at the same time that were not allowed to vote.

Q You know, Mr. Gulager, as well as I that it has been just a question of getting these fellows in there and voting them if we could and if we could get them through without their being challenged? A I have put as many through as possible, but I never had any trouble with Jim, because I thought he was a straight freedman.

Q That was after 1879? A Yes, sir.

Q And you never heard that it was questioned until after 1879?

A No, sir.

Q You never had occasion to inquire into it? A No, sir.

By Mr. Smith:

Q You always knowed I had a right to vote? A I think so.

Q When I come to the polls I want undisputed? A That is what I understand.

By the Commission:

Q Did you ever know the applicant to be challenged when he went to vote? A No, sir.

Q And you have known him to vote in Cherokee elections for several times? A Yes, sir.

Q Since 1879 or prior? A Yes, sir, since 1879; I wasn't connected with politics prior to that time.

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H. M. Vance, being first duly sworn, states that as stenographer to the commission to the five civilized tribes, he reported the proceedings had in the above entitled cause, and that the same to be true above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of July, 1884.

*Charles H. Sawyer*

Notary Public.

248775

October 20, 1952

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

MEMORANDUM FOR THE DIRECTOR, BUREAU OF LAND MANAGEMENT  
FROM: [Illegible]

SUBJECT: [Illegible]

RECEIVED  
OCT 21 1952  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

Cherokee Freedman B-252.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Martha Phillips et al., for enrollment as Cherokee Freedman.

APPEARANCES:- Applicant appears in person.  
Cherokee Nation by W. W. Hastings.

MARTHA PHILLIPS being first duly sworn testified as follows:

BY THE COMMISSION:

Your name is Martha Phillips? A Yes, sir.

Q How old are you? A 55.

Q Are you acquainted with a colored woman by the name of Emily Vann? A That is my mother.

Q I will ask you the condition of your mother's health at this time?

A It is bad, she is paralyzed, can't walk, can't talk and her health is very poor.

Q How long has she been in that condition? A That was since last July.

Q What is the condition as to her mind? A She has no mind, she is just like a child.

Q How long has her mind been deranged? A I first noticed it during the war.

Q Been that way ever since practically? A Yes sir, at times she is better.

Q She would be incompetent to testify anything relative to any matters pertaining to your enrollment if she was present? A No, sir, she would be incapable of attending to it.

Q Would she be unable to testify to anything relative to the date of your leaving the State of Kansas for the Cherokee Nation?

A No, sir, she was insane then.

Q And has remained so practically ever since? A Yes, sir.

BY THE COMMISSION:

Copies of the testimony will be filed in Cherokee Freedman B-172 and Freedman B-251.

Opal Griggs being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a true, full and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 23 day of December, 1904.

Charles H. James  
Notary Public.

A. J. M.

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

In the matter of the application for the enrollment of James Smith, et al., as Cherokee Freedmen, consolidating the applications of--

James Smith,	Cherokee Freedman D 178,
Martha Phillips, et al.,	Cherokee Freedman D 852,
Bessie Moran, et al.,	Cherokee Freedman D 861.

-1-

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by James Smith for himself; by Martha Phillips for herself and her minor children, Charles, Alice, William and Benjamin Phillips, and her adult son, Charles Walker; and by Bessie Phillips for herself. Since filing their applications herein the said Alice Phillips and Bessie Phillips have married Reed Wilson and A. S. Moran, and they will now be listed for enrollment as Alice Wilson and Bessie Moran. Subsequently there was filed with this Commission and made a part of the record in this case, an affidavit showing the birth, on August 27, 1902, of Llewelyn B. Moran, son of Bessie Moran.


The record further shows that on July 1, 1903, this Commission rendered its decisions granting the applicant James Smith, and denying the applicants, Martha, Charles, Alice, (now Wilson), William and Benjamin Phillips, Charles Walker and Bessie and Llewelyn B. Moran, the right to enrollment as Cherokee freedmen, and that said decisions were duly forwarded to the Department. Thereafter, on April 1, and 18, 1904, (Departmental letters I. I. D. 350-04 and 1848-04), these cases were remanded for further testimony and readjudication. Supplemental proceedings in the matter of said applications were had June 16, 17, and 18, and December 25, 1904, at Muskogee, Indian Territory.



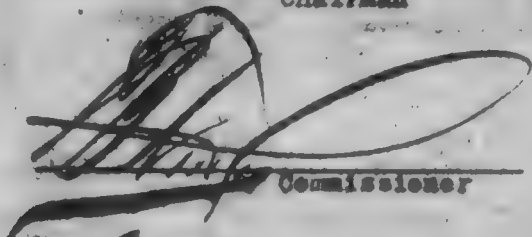
The evidence herein shows that the applicants James Smith and Martha Phillips, are brother and sister, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation. All the other applicants herein are descendants of the said Martha Phillips, were born since 1846, and possess no rights to enrollment other than as her descendants. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of James Smith, Martha Phillips, Charles Phillips, William Phillips, Benjamin Phillips, Alice Wilson, Charles Walker, Bessie McRea and Llewelyn E. McRea, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1890, (30 Stat., 495), and it is so ordered.

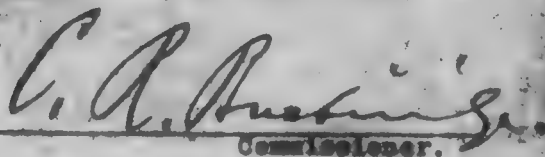
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner.

Muskogee, Indian Territory,

FEB 24 1905

*JAE*  
*BN*

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

In the matter of the application of James Smith for enrollment as a Cherokee Freedman:

DECISION

The record in this case shows that on April 26, 1901, James Smith appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 29, 1901, and at Muskogee, Indian Territory, on March 4, 1902.

The evidence shows that the applicant, James Smith, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he was taken out of the Cherokee Nation but returned thereto and took up his residence in 1866.

The evidence further shows that the said James Smith has continuously resided in the Indian Territory since his return in 1866.

It is, therefore, the opinion of this Commission that James Smith should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*I think the weight of evidence is against the applicant, James Smith, and I so vote.*

(SIGNED) James Bixby.  
Chairman.

(SIGNED) C. R. Breckinridge.  
(SIGNED) T. B. Needles.  
Commissioner.

(SIGNED) \_\_\_\_\_  
Commissioner.

(SIGNED) W. E. Stanley.  
Commissioner.

Muskogee, Indian Territory,

JUL 1 - 1903

*gae*  
*BR*

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

In the matter of the application of James Smith for enrollment as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on April 20, 1901, James Smith appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 29, 1901, and at Muskogee, Indian Territory, on March 4, 1902.

The evidence shows that the applicant, James Smith, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he was taken out of the Cherokee Nation but returned thereto and took up his residence in 1866.

The evidence further shows that the said James Smith has continuously resided in the Indian Territory since his return in 1866.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*I think the weight of evidence is against this applicant, James Smith, and I vote -*  
*C. D. Bradburn -*  
*Covier -*

*[Signature]*  
\_\_\_\_\_  
Chairman.

*[Signature]*  
\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

*W E Stacey*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

this JUL 1 1902

COP.

Cherokee Freedman  
B-172.

Muskogee, Indian Territory, July 13, 1903.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting the application of James Smith for the enrollment of himself as a Cherokee Freedman.

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

Respectfully,

*T. B. Need*

Commissioner in Charge.

Enc. K-129.

Cherokee Freedmen B-852.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
James Smith, as a Cherokee Freedman.

--:--

O R D E R.

For the purpose of showing that Will Thompson, appli-  
cant's owner at the commencement of the rebellion, was a Cherokee  
citizen, it is ordered that copies of the testimony taken at No-  
wata, Indian Territory, June 25, 1901, in the application of  
Martha Phillips, et al., for enrollment as Cherokee freedmen, C.  
F. D.-852, be filed with, and made a part of the record in the  
application of James Smith for enrollment as a Cherokee freedman,  
Case No. B-172.

  
Commissioner.

Muskogee, Indian Territory,

this JUL 20 1904

Department of the Interior Commissioner to The Five Civilized Tribes

Martha Phillips et-al F D #652,

Bessie Phillips et-al F D #661 and:

James Smith F D # \_\_\_\_\_

vs,

Cherokee Nation of Indians.

Motion, by complainants, for  
reopening and rehearing and review  
of their cause and for transfer of  
same to the Attorney General of the  
United States for an opinion as to  
rights of Claimants under decree of  
Court of Claims Feb 3rd 1896 in the  
case of Moses Whitmire Trustee, vs  
Cherokee Nation.

Comes now the Complainants in the above styled and numbered cause, and  
move the Commissioner, to The Five Civilized Tribes and the Honorable Sec-  
retary of the Interior to reopen their cause and grant them a rehearing,  
for the following reasons to-wit:

First. Because, the decision, judgment, and  
findings of the Commission to the Five Civilized Tribes, and affirmance  
by the Honorable Secretary of The Interior May 24th 1904, is contrary to  
the law, and findings of the decree of Court, Claims rendered February 3rd  
1896 in the case of Moses Whitmire Trustee vs Cherokee Nation.

Second. Be-  
cause, The decision, judgment, and findings, denying the rights, of these  
applicants is against the evidence.

Third. Because, said decision judgment,  
and findings, is against the weight of the evidence.

Wherefore Claimants  
herein pray, The Honorable Secretary of the Interior, to transmit the  
record in their respective causes to the honorable Attorney General of the  
United States, for his review, and opinion as to the rights of Claimants,  
to citizenship in the Cherokee Nation under the modified decree of the  
Court of Claims rendered February 3rd 1896, in the case of Moses Whitmire  
vs, the Cherokee Nation. Claimants herein further pray that an order issue  
from this department directed to the Indian Agent, White Agency of Muskogee,

Indian Territory, and to the Honorable Commissioner to the Five Civilized Tribes, prohibiting any person or persons filing on the lands heretofore filed on by these claimants, and they be allowed to remain in the peaceful possession of their tentative holdings until their said motion herein filed shall have been passed upon by the Honorable Attorney General of the United States, as to his opinion and construction of said modified decree of the Court of Claims rendered February 3rd 1866, in the case of Hesse Whitwire Trustee on behalf of the freedmen and free colored persons, of the Cherokee Nation vs. The Cherokee Nation .

A. S. Hays  
Attorney for Claimants.

Woot

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

Tahlequah I. T. July 21st 1903.

In the matter of the application of James Smith for enrollment as a Cherokee Freedman. C. F. D # 172.

Protest of the Cherokee nation.

Comes now the Cherokee nation and protests against the decision of the Commission rendered in this case and prays and appeal to the Honorable Secretary of the Interior.

-----o-----

The testimony in this case shows that James Smith is a colored man but there is not sufficient evidence to show that he belonged to a Cherokee Citizen prior to the war because he himself was too young to testify to that fact and there is no testimony whatever in his behalf except that of Polly Ross a most disreputable mulatto negro who made a regular business of testifying before the Commission in any number of cases for any one who would permit her. Upon the other hand the name of James Smith does not appear upon the roll of 1880 neither does it appear upon the roll of 1896 and in addition thereto Nelson Lowrey, a reputable colored citizen testified that he returned to the Cherokee nation from Fort Scott, Kansas where he admits he himself of having gone during the war, too late to qualify under the treaty. The testimony further shows that he got into some trouble with Roswell Mackey a recognized and enrolled Cherokee Freedman. That Mackey shot at him several times and that Mackey was taken to the United States Court at Fort Smith, Arkansas and there tried for the offense and it is quite clear that if he could have shown that James Smith was a citizen of the Cherokee nation that he would have used every effort within his power to have done so, in order to have defeated the jurisdiction of the United States Court. Because if both had been citizens then the United States Court would have had no jurisdiction over Mackey and instead of Captain S. H. Deane being against the recognition of Smith as a citizen because he was the Attorney for Mackey it would have been to his clients interest to have used everything in his power to have shown that Smith qualified under the Treaty of 1866; This would have defeated the jurisdiction of the United States Court.

The opinion of the Commission is a divided one and Major Proctorbridge who was in the field, heard a great deal of this testimony and had seen



sion to see the Heterious Polly Ross and hear her testify in a very large number of fraudulent freedmen cases and knows quite well that no weight whatever should be given have been given to her testimony. Certain it is that if Smith had returned to the Cherokee nation to the town of Fort Gibson at the time he claims and lived there continuously since that time he could have found some reputable person in that vicinity to testify for him. The Commission sat there on two or three different occasions to hear testimony to prove that he returned within the time prescribed by the treaty.

Nelson Lowrey says he did not return in time; the 1860 roll denies his return; captain S. H. Benge denies it; the trial of Roswell Mackey in the United States Court at Fort Smith in our judgment completely refutes it and for these reasons we most respectfully submit that this applicant should not be enrolled as a freedman citizen of the Cherokee nation for the reason that he is clearly not entitled because he failed to comply with the treaty of 1866.

Respectfully Submitted,

*L. B. Bell*

*W. W. Hastings*

*J. I. Davenport*

Attorneys for the Cherokee nation. *JCS*

J. C. S.

# NOTICE!

In the matter of the application of James Smith for enrollment as a Cherokee Freedman.

Case No. D 172  
To James 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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Pt Gibson Indian Territory, on the following dates, to-wit: 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 April 1901.

Bill Hastings & Company

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  
on the 27 day of Apr A. D. 1901.

Subscribed and sworn to before me this 27 day of Apr 1901  
for Cherokee Nation

F. D. 172

v

X.F. 172

INDIAN TERRITORY,  
CHEROKEE NATION.

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

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

on the *27* day of *February* A. D. 190*2*  
*Henry*

Subscribed and sworn to before me  
this *27th* day of *February* 190*2*  
*J. C. Clark*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
FEB 28 1902

*[Signature]*  
A. T. H. THOMPSON

# NOTICE!

*IN THE MATTER OF* the application of James Smith  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 172  
To James Smith, Ft. Gibson, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on Mar. 3rd, 1902. ~~FEB 17 1902~~ at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902 ~~FEB 17 1902~~ Feb'y 13, 1902.

*L B Bell*

*W. W. Hastings*

Attorneys for the Cherokee Nation.

512172

# **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. James Smith,  
Ft. Gibson, I.T.  
Cherokee F-D-172  
Regis ter.

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

73. *F. T. D.*  
DEPARTMENT OF THE INTERIOR, *8/17/01*  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F. T. D.  
APR 17 1901

*[Signature]*  
ACTING CHAIRMAN

RECORDED AND INDEXED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

APR 18 1901

Date .....

Post Office *F. Gibson, St.*

District *Illinois*

1. Name *James Smith* Age *46*

Owner's name *Thompson* Citizenship .....

Year ..... Page ..... No. .... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

- 3. 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 *Marie Smith (wif)* *E. G. Rodenburg*



VB. J. J. 172

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

FILED  
APR 25 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 25 1901  
Post Office *Up Gibson St.*  
District *Illinois*

1. Name *James Smith* Age *48*  
Owner's name *Wm Thompson* Citizenship  
Year *K&L Page 105* No. *321* District *Ill*

Parents:  
Father Citizenship  
Mother *Emily Vance - living* Citizenship

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

Parents:  
Father *Overton* Citizenship  
Mother

Names of Children:

No.	Year	Page	No.	Dist.
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Application made by *M. I. [unclear]* Ensign  
*On K&L Page 105 as James Smith*

*Protected by Cherokee Rep.*

Muskogee, Indian Territory, July 24, 1902.

James Smith, Esq.,

Fort Gibson, Indian Territory.

Sir:

In the matter of the application for your enrollment as a Cherokee Freedman, you are advised that the testimony submitted does not show that you were a slave of a Cherokee citizen at the commencement of the war of the rebellion or a free colored person residing in the Cherokee Nation, nor does said testimony show that you were a resident of the said Nation on July 19, 1866, or within six months from said last mentioned date; neither is it shown that you have been a resident of said Nation since January 19, 1867.

You are required to appear before the Commission, at its office in Muskogee, Indian Territory, and submit testimony in reference to the matters above indicated.

You will be allowed until August 10, 1902, within which to comply with this requirement.

Yours truly,

Commissioner in Charge.

Register.

COPY.

Cherokee Freedman  
D-172

Muskogee, Indian Territory, July 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James Smith for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated July 1, 1903, granting said application, and the dissenting opinion of Commissioner Breckinridge.

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

Respectfully,

*I. E. Needles.*

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enc. D-130

COPY.

Cherokee Freedman  
D-172

Muskogee, Indian Territory, July 28, 1903.

James Smith,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, granting your said application and a copy of the dissenting opinion of Commissioner Breckinridge.

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

Respectfully,

*T. B. Needles*

Enc. D-119  
Register.

Commissioner in Charge.

Cherokee Freedmen  
R 49

Muskogee, Indian Territory, February 25, 1904.

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

Dear Sir:

In the matter of the application of James Smith for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the applicant's right to enrollment as a Cherokee Freedman.

The said James Smith has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

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

Respectfully,

Commissioner in Charge.

Cherokee Freedman  
R 47

Muskogee, Indian Territory, February 25, 1904.

James Smith,  
Fort Gibson, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show your right to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

msg

COMMISSIONERS  
TAMM BIRBY.  
THOMAS B. NEEDLES.  
C. R. BRACKENRIDGE.

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

WM. O. BEALLY  
SECRETARY

REFER IN REPLY TO THE FOLLOWING  
George Freeman  
B 172

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 7, 1904.

James Smith,

Fort Gibson, Indian territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 21, remanding the Commission's decision of July 1, 1903, granting your said application.

In accordance with the instructions contained in the Department's letter, you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony in support of your application. It is especially desired that you introduce the testimony of your mother, Sally Vann, if living.

Respectfully,



Commissioner in Charge.



**Cherokee Freedman  
B 178**

**Muskegee, Indian Territory, May 7, 1904.**

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

**Dear Sir:**

In the matter of the application of James Smith for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 1, remanding the Commission's decision of July 1, 1903, granting this application.

In accordance with the instructions contained in the Department's letter the applicant has this day been directed to appear before the Commission at its offices in Muskegee, Indian Territory, at five o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony in support of said application, it being particularly requested that the testimony of his mother be offered. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information a copy of the Department's letter is herewith inclosed.

**Respectfully,**

**Encl. V-25**

**Commissioner in Charge.**

COPY.

Cherokee Freedman  
D-172.

Muskogee, Indian Territory, February 24, 1905.

James Smith,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of the original proceedings and there is herewith inclosed a copy of the record of supplemental proceedings had in this case.

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

Respectfully,

Encl. In-67.

Register.

(SIGNED)

James Pirby,  
Commissioner

COPY.

Cherokee Freedmen  
D-172 et al.

Muskogee, Indian Territory, February 26, 1908.

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

Gentlemen:

There is herewith inclosed a copy of the Decision of the Commission to the Five Civilized Tribes, dated February 21, 1908, rejecting the applications for the enrollment of James Smith, Martha, Charles, William, and Benjamin Phillips, Alice Wilson, and Charles Walker; and Beadie and Elevelyn E. McKen, as Cherokee freedmen.

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

Respectfully,

Encl. L-VI.

(SIGNED)

James Bixby.  
Chairman.

COPY

Charlotte Freeman  
D-172 et al

Washoe, Indian Territory, February 24, 1906

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James Smith et al., as Charlotte Freeman, including the Commission's decision, dated February 24, 1906, rejecting said applications.

Respectfully,

(SIGNED) *James Dixby*  
Commissioner in Charge

Encl. L-72.

Through the  
Commissioner of Indian Affairs.

LAND:  
18830-1900.

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

March 20, 1900.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 20, 1900, transmitting the records of the consolidated applications for enrollment as Cherokee Freedmen by James Smith for himself, by Martha Phillips for herself and her minor children, Charles, Alice, William and Benjamin Phillips, and her adult son, Charles Walter; and by Devola Phillips Nelson for herself and her minor child, Elizabeth E. Nelson.

February 21, 1900, the Commission decided adversely to all the applicants.

The record shows that on July 1, 1900, the Commission decided favorably to James Smith and adversely to all the other applicants, and that on April 10, 1900, the Department cancelled the record for further testimony. The record shows that the applicants, James Smith and Martha Phillips are brother and sister and were the parents of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto until before February 11, 1867. The other applicants are descendants

of which nature were given him, and passed in rights to  
himself after the death of his father. Some of the applicants to  
be admitted to the land situated at George's Hill.

In view of the nature of the approval of the Commission's  
action of January 12, 1902, is recommended.

Very respectfully,

G. D. Garrison,

Acting Commissioner.

gao

-COPY-

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.F.Jr.

D.O. 20937.  
I.T.D. 1848-1904.  
2850-1908.  
L.R.U.

LLB

May 24, 1906.

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

Sir:

On February 24, 1906, the Commission to the Five Civilized Tribes transmitted the record of the consolidated applications for enrollment as Cherokee freedmen of James Smith for himself, of Martha Phillips for herself and her minor children, Charles, Alice, William, and Benjamin Phillips, and her adult son, Charles Walker, and of Bessie Phillips McRea for herself and her minor child, Llewellyn B. McRae, including its decision dated February 24, 1906, rejecting all of said applications.

The record of the case shows that on July 1, 1903, the Commission to the Five Civilized Tribes rendered a decision relative to the application of James Smith for enrollment as a Cherokee freedman, in favor of the applicant, Commissioner Breckinridge dissenting.

This case was remanded by the Department on April 1, 1904, for a further hearing.

Under date of July 1, 1903, the Commission also rendered a decision in the matter of the applications of Martha Phillips

et al. and Bessie Phillips McRea et al. for enrollment as Cherokee freedmen, denying said applications. This case was also on April 18, 1904, remanded by the Department for readjudication and rehearing, in view of the alleged favorable decision in the case of the principal applicant's mother.

Reporting March 20, 1905, the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes in the consolidated case be approved. A copy of its letter is inclosed.

This decision appears to be correct and it is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.



REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman.

D. 1702.

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

Muskogee, Indian Territory, June 8, 1906.

James Smith,  
Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on May 24, 1906.

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

Respectfully,

Commissioner.

LMC  
incl. C-9

Cherokee Freedman.  
D-852 et al.

copy

Muskogee, Indian Territory, June 8, 1906.

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

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the applications of Martha Phillips, et al., for enrollment as Cherokee Freedmen, was affirmed by the Secretary of the Interior on May 24, 1906.

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

Respectfully,

*James Bixby*  
Commissioner.

LMC  
incl. C-11

-COPY-

D.C. 23657

Muskegee, I. T. June 12, 1906.

Commission to the Five Civilized Tribes,

Muskegee, Ind. Ter.

Martha Phillips et-al (Cherokee Freedman D, No. 852,  
and Bessie McRea, (nee) Phillips, D. 861, whose citizenship  
has been rejected and recently affirmed by the Hon. Secretary of  
the Interior desires now to file notice that they will file their  
motions for a reopening and rehearing of their cases within  
sixty days after the date of receipt of Commission's notice of  
affirmation of the Hon. Secretary of the Interior rejecting  
them, and hereby enters protest of any person or persons  
attempting to file on the lands held by them under tentative  
filings heretofore made, as shown by the records of this  
Commission.

A. S. McRea,  
Attorney for Applicants.

SPECIAL  
D. C. 25002

J. P. Jr.

I. B. D. 7113-1906.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

June 22, 1906.

LLB

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

Sir:

There is inclosed herewith for report and recommendation a motion for review and rehearing in the case of Martha Phillips et al. for enrollment as Cherokee freedmen.

Respectfully,

Jesse H. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

2.

Mustoge, Indian Territory, July 5, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of June 22 (I.T.D. 7313-1906), marked "Special" inclosing for report and recommendation a motion for review and rehearing in the case of Martha Phillips et al., applicants for enrollment as Cherokee Freedmen.

Said motion refers to the Cherokee freedmen consolidated cases of Martha Phillips et al. Cherokee freedman D 682, Bessie Phillips McKee et al., Cherokee freedman D 681, and James Smith, Cherokee freedman D 172. The decision of the Commission to the five civilized tribes, dated February 24, 1906, rejecting the applications for the enrollment as Cherokee Freedmen of the applicants embraced in said cases was affirmed by the Department May 24, 1906 (I.T.D. 1048-1906, 2850-1906). These applicants were rejected for the reason that they did not return to and establish a residence in the Cherokee Nation within the

Secretary--2

time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, et al., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to the Cherokee Nation. Three reasons "to reopen their cause and grant them a rehearing" are given, namely:

"First. Because the decision, judgment, and findings of the Commission to the Five Civilized Tribes, and affirmance by the Honorable Secretary of the Interior May 24th 1906, is contrary to the law, and findings of the decree of Court Claims rendered February 3rd 1896 in the case of Moses Whitwire Trustee vs Cherokee Nation.

"Second. Because, the decision, judgment, and findings, denying the rights, of these applicants is against the evidence.

"Third. Because, said decision, judgment, and findings, is against the weight of the evidence."

The claimants pray that the Secretary of the Interior "transmit the record in their respective causes to the Honorable Attorney General of the United States for his review and opinion as to the right of applicants to citizenship in the Cherokee Nation under the modified decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire vs. the Cherokee Nation."

Secretary- 3

The claimants further pray "that an order issue from this department directed to the Indian Agent, Union Agency, Muskogee, Indian Territory, and to the Honorable Commissioner to the Five Civilized Tribes, prohibiting any person or persons filing on the lands heretofore filed on by these claimants, and that they be allowed to remain in the peaceful possession of their tentative filings until their said motion herein shall have been passed upon by the Honorable Attorney General of the United States."

No claim of the discovery of new evidence, or of a desire to introduce further evidence is made, and the motion therefore seems more in the nature of one for review, and to have the case referred to the Attorney General of the United States for his opinion thereon. No error is pointed out in the Department's decision as to the construction placed upon the Whitacre decree, supra., and as the only question seemed to be presented is one of fact, it is respectfully recommended that the request that the case be referred to the United States Attorney General for his opinion thereon, be denied, and it is further recommended that the motion for review of the case be denied.

Secretary--4

Proper notations of the filing of the motion, which was within the time limited by the Act of Congress approved April 26, 1906 (Public No. 129), have been made upon the records of this office, and the claim of the applicants to land in the Cherokee nation will be protected until their case shall have been finally passed upon.

The certificate signed by the Attorney filing the motion shows that on June 18, 1906, he forwarded by registered mail to the Attorneys for the Cherokee Nation at Vinita, Indian Territory, a true and correct copy of said motion. The certificate is not sworn to, and the receipt for the registered letter is not attached.

The motion is returned herewith.

Respectfully,

L M B

Commissioner

Encl. B-6



Wadswoge, Indian Territory, August 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office's letter of July 5, reporting on a motion for review and rehearing in the case of Martha Phillips, et al., applicants for enrollment as freedmen citizens of the Cherokee Nation, which motion was referred to this office with Departmental letter of June 22 (I.T.R. 7313-1906), there is enclosed herewith the reply to said motion made by the Attorney for the Cherokee Nation.

Respectfully,

Through the  
Commissioner of Indian Affairs

L M B

Commissioner

Encl. 2-25

Muskogee, Indian Territory, August 18, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a "reply of the Cherokee Nation to Brief on behalf of applicants," in connection with the Cherokee freedmen enrollment case of Martha Phillips, et al. Mr. Hastings, attorney for the Cherokee Nation, informally advises this office that the brief on behalf of applicants in this case was forwarded direct to the Department.

The decision of the Commission to the Five Civilized Tribes dated February 24, 1905, rejecting the applicants embraced in the Cherokee freedmen consolidated case of Martha Phillips et al., No. D 652 et al., was affirmed by the Department May 24, 1906 (I.T.R. 1888-1904, 2850-1906). On July 8, 1906, this office reported on a motion for review and rehearing in this case, and on August 2, 1906, a reply of the Cherokee Nation to said motion for review and rehearing was forwarded to the Department.

Respectfully,

Through the  
Commissioner of Indian Affairs  
L X B

Commissioner

Encl. 2-18

(COPY)

Land.  
72348-1906

September 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to invite your attention to the enclosed letter of August 18, 1906, from Tans Bixby, Commissioner to the Five Civilized Tribes, with which he submits a "Reply of the Cherokee Nation to brief on behalf of applicants," in connection with the Cherokee freedman enrollment case of Martha Phillips, et al.

The Commissioner reports that Mr. Hastings, attorney for the Cherokee Nation informally advised his office that the Brief in behalf of the applicants in the case was forwarded direct to the Department.

Mr. Bixby cites the fact that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the applicants embraced in the Cherokee freedman consolidated case of Martha Phillips, et al., was affirmed by the Department on May 24, 1906 (I.T.D.1848-1904, 2850-1906), and that on July 5, 1906, his office reported on a motion for review

and rehearing in the case, and on August 2, 1906, the reply of the Cherokee Nation to the motion for review and rehearing was forwarded to the Department.

Very respectfully,

Y. H. Kump,

Commissioner.

HH-Y.

D.C.54112.

(COPY)

J.F.Jr.

DEPARTMENT OF THE INTERIOR, LIE  
WASHINGTON.

I.T.D.17294-1906.  
17974- "

December 7, 1906.

L.R.S.

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

Sir:

In September 12, 1906 (Land 50972), the Indian Office transmitted your report dated July 5, 1906, in reference to a motion for review and rehearing in the case of Martha Phillips et al., applicants for enrollment as Cherokee freedmen.

You state that no claim of the discovery of new evidence or of a desire to introduce further evidence is made, and that the motion seems more in the nature of one for review and to have the case referred to the Attorney-General of the United States for his opinion thereon. As no error is alleged in the Department's decision, you recommend that said motion should be denied.

No proper evidence of the ~~justice~~ of this motion upon the attorneys for the Cherokee Nation appears to be attached.

The Department concurs in your recommendation, and the motion is hereby denied.

A copy of Indian Office letter is inclosed.

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

Respectfully,

Through the Commissioner  
of Indian Affairs,  
1 inc. and 17 to Ind. Of.

Thos. Lynn,  
First Assistant Secretary.

PLEASE IN REPLY TO THE FOLLOWING:

Cherokee I.

D. 172.

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

Muskogee, Indian Territory, December 18, 1906.

James Smith,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorney, A. S. McRea, Muskogee, Indian Territory, for a rehearing of your Cherokee freedman enrollment case, was denied by the Department December 7, 1906.

Respectfully,

Commissioner.

H.J.C.

Cherokee V  
D 852 et al.

Muskogee, Indian Territory, December 18, 1906.

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

Dear Sir:

You are hereby advised that the motion filed  
for a rehearing of the Cherokee freedmen enrollment case  
of Martha Phillips, et al., was denied by the Department  
December 7, 1906.

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

Respectfully,

Encl. N. J. - 22.  
H. J. C.

Commissioner.

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18515

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U.S. DEPARTMENT OF THE INTERIOR  
RECEIVED  
JUN 14 1884  
✓ .230  
U.S. GEOLOGICAL SURVEY



CHEROKEE FREEDMAN  
CHEROKEE CASE

No. 7017

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT

OF

James Smith

As citizen of the Cherokee Nation.

Muskogee, I. T., JUL 25 1903 - 190

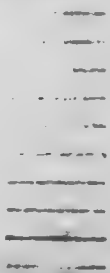
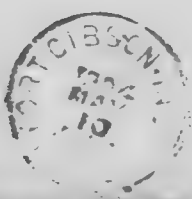
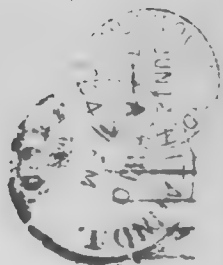
Respectfully forwarded to the Secretary of the Interior  
for review.

Acting Chairman.

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W. O. WILSON  
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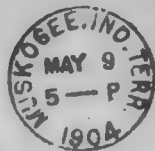
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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



James Smith, Cal,

~~Fort Gibson, Indian Territory.~~

Muskogee

opened by Jim Smith  
7/17/04  
Fort Gibson



REC'D  
APR 2 1902  
FT. COCKERILL



# Department of the Interior

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

OFFICIAL BUSINESS.

Penalty for private use, \$300

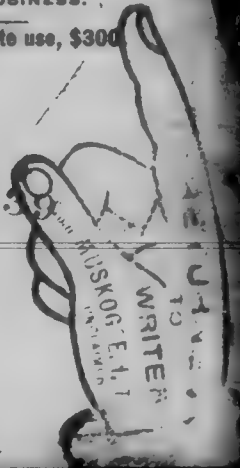
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Mr. James Smith,

~~St. Gibson~~, Indian Territory.

*Muskogee*

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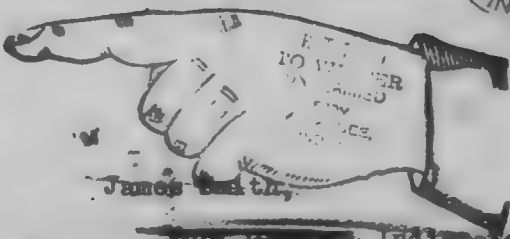
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Commissioner to the Five Civilized Tribes,  
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FOR THE  
INDIAN  
DEPARTMENT



James Smith

Indian Territory.

*Muskogee*

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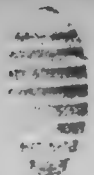
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*File Jan 1907*  
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James Smith,

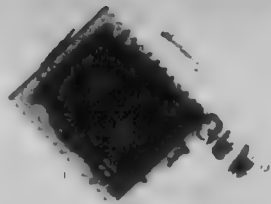
*Muskogee* ~~Fort Gibson~~, Indian Territory.

Department of the Interior.

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

PROPERTY DIVISION,  
FEB 25 1905

MUSKOGEE, IND. TER



*This*  
~~SECOND~~ NOTICE  
MAR 22 1905

SECOND NOTICE

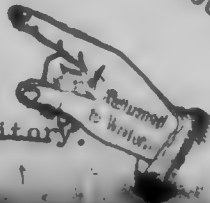
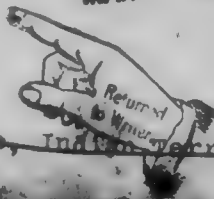
MAR 9 1905

REGISTRY DIVISION,  
MAR 27 1905

MUSKOGEE, IND. TER.

James Smith,

~~Muskogee, Indian Territory.~~



Unclaimed

Cher. Fr. R 846

Cher. Fr. R. 846

Trans. from Cher. Fr. D 217

DEPARTMENT OF THE  
COMMISSION TO THE FIVE CIVIL  
1901

Jordan Thompson et al. - 2.

Living together now? A Yes, sir.

Note: Testimony of Abbe A. relative to attachment of Nancy Thompson, omitted as not affecting rights of Jordan Thompson and child.

.....

Commissioner: Jordan Thompson applies for the enrollment of himself and his wife Nancy and his child Willie Thompson. His name is found upon the authenticated roll of 1880 and upon the Kerns-Giffon roll, and he is duly identified as the applicant. He makes satisfactory proof of his marriage to one Nancy Thompson, whose citizenship is in dispute. The result of said marriage he avers is one child, named William Thompson, four years of age. They are all duly identified, and the said Jordan Thompson makes satisfactory proof both as to residence and citizenship. He and his child William Thompson will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of his child, Willie, it will be necessary for him to file with this Commission satisfactory proof of his birth.

File

By reason of the testimony, Nancy Thompson, wife of said Jordan Thompson, will be placed upon a doubtful card, awaiting further investigation by the Commission.

.....

Prince 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 10th of May, 1901.

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 9, 1901.

In the matter of the application of Jordan Thompson for the enrollment of himself, his wife and one child as Cherokee Freedmen. Jordan Thompson, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Jordan Thompson.  
Q How old are you? A 26 years old.  
Q What is your post office address? A Spavinaw.  
Q What district do you live in? A Saline.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A My wife and child.  
Q What is the name of your wife? A Nancy Thompson.  
Q How old is she? A She is 20 years old.  
Q You have been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.  
Q Is your name on the roll of 1880? A Yes, sir.  
Q Did you ever apply to any other Nation or tribe to be enrolled?  
A No, sir.  
Q Is your wife a Cherokee Freedman in her own right? A Yes, sir.  
Q What was her father's name? A I don't know what her father's name was, he is dead.  
Q What was her mother's name? A Frances Bly.  
Q Is she living? A Yes, sir.  
Q Was your wife named Bly before you married her? A Yes, sir.  
Q What is the name of your child? A Willis Thompson.  
Q How old is Willis? A 4 years old.  
Q How long have you been married? A About five or six years I guess.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Jordan Thompson identified thereon, page 669, No. 1158, Saline district.

Mother of Nancy Thompson not on 1880 roll.

- Q Is your wife's mother here? A Yes, sir, I don't know whether she is right in here, she is here on the ground though.  
Q Your wife's mother don't appear to be on the roll of 1880?  
A Well, she is said to be a citizen, I don't know.

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

- Q Did you draw the strip payment money? A Yes, sir.

The Kerns-Clifton roll examined and the applicants identified thereon as follows:

Jordan Thompson on page 25, No. 884, Saline district:

- Q Who is Abbie Bly? A That is Frances' name  
Nancy Thompson on page 188, No. 3898, Cooweescoowee district,  
as Nancy Blye.  
Q When were you married? A I don't know what year it was we were married in.  
Q Have you any certificate of marriage? A No, sir.  
Q Anybody here know you were married? A Yes, sir, Art Bean and Charlie Landrum.

Arthur Bean, being duly 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 What is your post office? A Vinita.  
Q Do you know Jordan Thompson? A Yes, sir.  
Q Do you know Nancy Thompson, his wife? A Yes, sir.  
Q Do you know whether they were ever married or not? A They were married but I wasn't to the wedding.  
Q Have they been living together as man and wife? A Yes, sir.  
Q Recognized in the community as man and wife? A Yes, sir.

Jordan Thompson et al. - 2.

Q Living together now? A Yes, sir.

Note: Testimony of Abbie Ely, relative to citizenship of Nancy Thompson, omitted as not affecting rights of Jordan Thompson and child.

• • • • •

Commissioner: Jordan Thompson applies for the enrollment of himself and his wife Nancy and his child Willie Thompson.

His name is found upon the authenticated roll of 1880 and upon the Kerns-Clifton roll, and he is duly identified as the applicant. He makes satisfactory proof of his marriage to one Nancy Thompson, whose citizenship is in dispute. The result of said marriage he avers is one child, named William Thompson, four years of age. They are all duly identified, and the said Jordan Thompson makes satisfactory proof both as to residence and citizenship. He and his child William Thompson will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of his child, Willie, it will be necessary for him to file with this Commission satisfactory proof of its birth.

By reason of the testimony, Nancy Thompson, wife of said Jordan Thompson, will be placed upon a doubtful card, awaiting further investigation by the Commission.

.....

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

Bruce C. Jones

Sworn to and subscribed before me this the 10th of May, 1901.

*C. A. McKeever*

Commissioner.





SUPPLEMENTAL: C. F. D-217.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, T. T., Oct. 2, 1901.

In the matter of the application of Abbis Blythe et al.  
for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:

J.S. Davenport, Esq., of Attorneys for Cherokee Nation;  
I.P. Bledsoe, Esq., agent for the applicant.

JAMES C. CHILDERS, being sworn by Commissioner Breckinridge,  
testified as follows:

BY COM'R BRECKINRIDGE:

- Q Give your full name? A James C. Childers.  
Q How old are you? A 53.  
Q What is your post-office? A Catale at present.  
Q In the Cherokee Nation? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A Well I  
couldn't hardly answer the question properly.  
Q Have you lived here all your life? A Might near, yes, sir, well  
I will just simply state for the last eight years, the last stay.  
Q Where were you born? A I don't know where I was born whether  
in the Cherokee Nation or Missouri, but right on the line.  
Q How old were you when you first remembered the Cherokee Nation?  
A Well I don't know, three or four years old I reckon; best of my  
recollection.  
Q Where have you lived other than in the Cherokee Nation?  
A Well I have lived a little in Kansas and a little in Colorado  
and Missouri.  
BY MR. DAVENPORT:  
Q Where were you living from '55 until '60, Mr. Childers?  
A Living right on the line of Missouri, inside of the state.  
Q Near what place? A Elk Mills.  
Q Was there any post-office known as any place? A Elk Mills was  
the post-office.  
Q Did you know James Blythe along in '50? A Yes sir.  
Q About when did you first get acquainted with him? A Well, to the  
best of my knowledge first acquaintance was about '59 or '60 that I  
knewed Jim Blythe when I saw him.  
Q Where was he living at that time, if you know? A Enterprise,  
Missouri.  
Q How far was that from the place where you lived? A Between a  
mile and a half and 2 miles.  
Q Was he engaged in any business over there at that time? A Yes  
sir, in the mercantile business.  
Q Running a store at Enterprise, Missouri? A Yes sir.  
Q Do you know whether or not he had any slaves? A There was a  
couple there, I was always told they belonged to him and his wife.  
Q Did you know their names? A I personally know the name of the boy  
or man, whose was his name, I believe they called the girl or woman  
Abbie, but I am not right positive about that.  
Q From the time you got acquainted with Mr. Blythe until the break-  
ing out of the war where did he continue to live, do you know?  
A From the time I first got acquainted with him until during the  
war he lived at the same place, Enterprise, Missouri.  
Q You don't know what became of Blythe during the war? A He went  
to Texas or somewhere south side of the war.  
Q Did you know him after the war before he came to the Territory?  
A Yes sir.  
Q Did you know him after the war, if you know?

Q You don't know where he lived? A No, he lived somewhere South.

BY MR. BLANDSOB:

Q You are not positive whether he owned this Abbie or not at that time? A No sir, I won't say that he owned them; it was my understanding that he and his wife did, but I don't know it.

Q Were they recognized Cherokee citizens at that time? A Well they were recognized Cherokees, but they was what we term citizens of the State at that time.

Q Do you know whether he was ever re-admitted or not, afterwards?

A I understood he was; after the war he and his wife were re-admitted to the Cherokee Nation.

Q You don't know that of your own knowledge? A No sir.

Q What was the best of your knowledge at that time, that they were citizens of the Cherokee Nation or citizens of Missouri? A Best of my knowledge as I understood they came to Missouri and bought out this farm, that property there and was doing business, and after the war broke, come up, Mr. Blythe himself went South I think with the army and when he come back he moved into the Indian Territory, and was re-admitted. That has been my understanding.

Q What was Mr. Blythe's wife's name? A Jemima Rogers.

Q Do you know a Mr. Tucker, there, Polly Tucker, did you know a Polly Tucker? A Not by that name, no sir.

Q Do you know what time Mr. Blythe went out of the Cherokee Nation; what time was it you saw him in Missouri, that you are speaking of now? A First?

Q Yes? A I couldn't tell you just what time, it was before '60 though.

Q You don't know whether he moved into the Territory then during the war or not? A No sir, I don't think he did; I think his family went to Neosho, Missouri in that vicinity in time of the war and Mr. Blythe went South; he was in the army; that's my understanding, I don't know now though.

Q If Jemima Blythe states that they moved out of the Territory during the war she is mistaken? A Yes sir.

Q She says here, we all moved in just across from the line into Missouri; Abbie went along with us? A She is mistaken or I am one, badly.

Q Well now we want that matter settled, because here is a woman that stands mighty fine character from what I understand, that states positively that they moved out after the war? A After the war?

Q Yes sir, during the war rather, and that they took Abbie along with them and Abbie was a slave, and that is a very serious point for investigation if Abbie was a slave during the war when the war broke out, they were citizens of the Cherokee Nation? A I have nothing else to say; that's all I know about it.

Q You won't be positive she wasn't there? A In time of the war?

Q Yes? A She might have been here on a visit.

BY MR. DAVENPORT:

Q You know that they were living out there and E. Blythe was engaged in the mercantile business prior to the breaking out of the war? A Yes sir.

Q And he continued to live there until the war broke out? A He continued to live there until he was broke up during the war.

Commissioner Brackinridge: This will be filed as supplemental testimony in the case of Abbie Blythe, et al., Cherokee Freedmen Doubtful case 257, and also in Cherokee Freedmen Doubtful cases 306, 317 and 367 and 368.

NOTE PLACED IN FILE 173

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

*W. D. Brown*

Subscribed and sworn to before me this November 14th, 1901.

*[Signature]*

Notary Public

NOV 15 1901



Supl.C.F.)D.#257.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
WVIRA, I.T., OCTOBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
Abbie Blythe as a Cherokee Freedman, introduced on part of the Cher-  
okee Nation:

APPEARANCES:

Mr. I. P. Bledsoe, Agent for applicant;  
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

JAMES C. BLYTHE, being duly sworn and examined by Commis-  
sioner Breckinridge, testified as follows:

Q Give me your full name, Mr. Blythe? A James C. Blythe.

Q How old are you? A Well, according to the record I was born  
in 1824, July 7th.

Q What is your post office? A Bartlesville.

Q How long have you lived in the Cherokee Nation? A I have been  
principally been raised here.

Q Pretty much all your life? A Yes, sir.

Q Were you born here in the Nation? A I was born in the old  
Nation.

Q Came here with the Cherokees when they moved to this country?

A Yes, sir, I moved here with the Cherokees when they moved here

MR. DAVENPORT: Did you own any slaves prior to the breaking  
out of the Civil War, Mr. Blythe? A Yes, sir.

Q Where were you living at the time the war broke out? A I was  
living in McDonald County.

Q What State? A Missouri.

Q About how many years had you been over there in McDonald County,  
Missouri, before the breaking out of the war? A I think I moved  
there in '56, to the best of my knowledge it was in '56.

Q Well, did you have any slaves over there with the firm the time  
you moved there up to the time the war broke out? A Yes, I had  
one slave that I moved up to that place.

Q Did you have a slave when you moved there by the name of Abbie?

A Yes, sir.

Q You owned a slave prior to the breaking out of the war?

A Yes, sir, I bought one after I moved to that place, I don't know  
it must have been a year or two afterwards, after I moved there.

Q A year or two after you moved to Missouri you bought this slave  
Abbie? A Yes, sir.

Q How what became of Abbie; did you continue to own her up until  
the time she was freed? A I sold her during the war.

Q Who did you sell her to? A I sold her to Jim Lawrence, he was  
Clerk of the Court there.

Q What became of him? A I expect he is dead now.

Q What was his post office, Mr. Blythe? A At that time Pineville,  
Missouri, McDonald County.

Q Did you know any man by the name of Dodson who lived near you  
in McDonald County, Missouri? A Yes, sir.

Q Was he a citizen of the Cherokee Nation? A No, sir, he never  
came here that I know of.

Q Where were you living when the war started? A My residence was  
at the same place.

Q Your residence was at Enterprise? A Yes, sir.

Q You had enlisted during the war; was in service? A Yes, sir, I  
was a soldier during the war.

Q Well, after you sold Abbie when did you next see her and where was  
she when you saw her? A I was at Enterprise, McDonald County.

Q What year was that, if you remember? A Best of my recol-  
lection it was between 1862 and '3.

Q I am speaking now not when you sold her, when you saw her after  
you sold her? A Well, it was the spring of '66, she came to my  
residence there and wanted to come back as before and I was broke  
up and told her she was as free as I was and look out for her self.

Q When did you move back to the Cherokee Nation after the war?

A I moved back in '68.

Q Where did you locate when you came back? A Tahlequah.

Q How long did you live at Tahlequah before you left there, Mr.  
Elythe, about how many years? A I lived there from '68 until  
'71.

Q When you left there in 1871 to what point did you come?

A I come to this place.

Q From the time you moved from Missouri until you came to Vinita  
had you seen Abbie, this slave you had owned prior to the war?

A No, sir, I never had saw her.

Q Did you see her after you moved to Vinita? A Yes, I saw her.

Q When was it with reference to the time you moved to Vinita and  
where did you see her? A She came to me at this place and she  
said she was hunting me up to find the best place to locate and I  
told her how she had a right to locate there and I told her to  
pick on a place and go to work, that I supposed it would be all  
right, and she located out here east of Little Cabin.

Q Did you have any conversation with her as to where she had been?

A I asked her the question where she had been and she said she  
had been up in Missouri and I said where did you come from here; I  
said did you just come in and she said yes; and I said where did  
you come from and she said Granby.

Q How is there anything that fixes the time with reference to  
Vinita after you came here? A It was after the railroad came here  
that I came to this place.

Q Which road do you have reference to? A This Texas road.

Q M. K. & T.? A Yes, sir, the road wasn't put there at that time.

Q You have known her since that time? A Yes, sir, she has been  
here ever since; I see her here frequently, at least she told me she  
was living out there.

Q From when did you buy this Abbie if you remember? A I bought  
her from a nephew of mine that lives here in the Nation.

Q Did he live in the Nation at the time? A Yes, sir.

Q That was in the '50s? A Riley Elythe was the man's name I bought  
her from.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And she was living with you in the State of Missouri at the break-  
ing out of the war? A Yes, sir.

Q And you sold her? A I sold her during the war.

MR. BLEDSOE: Mr. Elythe, you state that you sold this woman,  
Abbie, during the war; do you know what time you sold her? A Well  
as I stated it was between '62 and '3, it was before the Proclamation  
came out. I don't suppose I could have sold her after she was freed.

Q I didn't know but what you had sold her after the expiration of  
hostilities; she was your slave then up to the commencement of the  
war in '61? A Yes, sir.

Q And you were a Cherokee citizen at that time? A I was a Cherokee  
but I wasn't living in the Cherokee Nation at that time.

Q Who was your wife, Mr. Elythe? A She was a Rogers.

Q What was her name? A Joshua.

A few questions have "Is it a matter of fact that Mr. Elythe sold  
this girl out to a man in Missouri before the war"; answer: "No,  
sir, he didn't; he is sure that he is mistaken;" consequently there  
seems to be difference of opinion. "He didn't sell her before the  
war came up; if he were that he is mistaken;" "You know he didn't"

her at the time the war came up I know, Mr. Hastings, he owned her in '65 for Mrs. Marks was my baby in '65 and this was the nurse for Mrs. Marks". A Yes, I knew when the war came up; I don't know that I made a statement of that kind.

Q Did you or not, Mr. Blythe, testify before the Kern-Clifton Commission that you sold her in 1865? A I never sold her until the war came up.

Q Didn't you state before the Kern-Clifton Commission that you sold this woman in 1865? A No, sir, never did; it is wrong print if I did.

Q Isn't it a fact now that she nursed Mrs. Marks as stated here by your wife? A I guess she did.

Q Whom did she belong to at that time? A At the time she nursed Mrs. Marks?

Q Yes? A She belonged to me.

MR. DAVENPORT: Well, in 1865 she nursed Mrs. Marks and belonged to you? A It was in 1862; I think she was mistaken in the year.

Q Well, you know whether or not positively she belonged to you in 1865 after the Emancipation Proclamation? A Yes, sir.

Q The testimony to which your attention was called would she nurse Mrs. Marks or was your slave in 1865? A Oh, shucks, that is all non sense.

Q The Emancipation Proclamation was issued before that time?

A Yes, sir.

MR. REDSOB: Mrs. Marks is your daughter? A Yes, sir.

Q Do you know when she was born? A In '62.

Q Then she was not a baby in 1865? A If she was she was a big baby.

MILTON M. CAULK, being duly sworn and examined by Commissioner Brookins et al, testified as follows on behalf of Cherokee Nation:

Q Give me your full name? A Milton M. Caulk.

Q How old are you? A 53 years old.

Q What is your post office? A Chelsea.

Q How long have you lived in the Cherokee Nation? A About 12 years.

MR. DAVENPORT: Where did you live prior to coming to the Cherokee Nation, Mr. Caulk? A Lived in Missouri.

Q What place in Missouri? A What is called old Enterprise, in McDonald County, Missouri.

Q Where were you living prior to the breaking out of the war?

A I was living in Missouri.

Q Were you living near Enterprise? A Yes, sir.

Q Did you know James Blythe prior to the breaking out of the war?

A Yes, sir.

Q How his slaves or any of them at that time? A Yes, sir, he had two.

Q What were their names? A Abbie Blythe and Montee.

Q Did you know a Scott family over there and seen by the name of Dodson? A Yes, sir.

Q Do you know whether Dodson ever moved to the Cherokee Nation?

A No, sir.

Q You are a citizen of the Nation? A Yes, sir.

Q Do you know whether or not he was a citizen of the nation or claimed to be a citizen of the Nation? A No, sir, he never claimed to be a citizen.

Q Do you know whether Abbie Blythe was disposed of to any one during the war by Mr. Blythe? A I did not, only hearing.

Q How long did you know her before the war; had she been living in the state of Missouri? A To the best of my knowledge I think about '56 was when I first got acquainted with her, '56 or '57.



latter part of '55 I think.

Q Do you know with whom she was living or to whom she belonged when the Emancipation Proclamation was issued? A My information was she belonged to Mr. Blythe.

Q You don't know whether he disposed of her? A No, sir.

Q Well, do you know anything about her after the war? A No, sir.

Q Well, all you know is that she was living with Mr. Blythe in the State of Missouri before the war? A Yes, sir.

Q Along in the '50s? A Yes, sir.

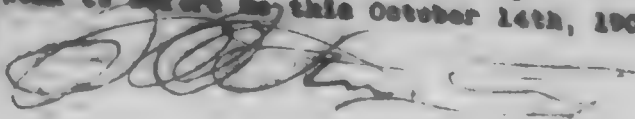
This will be filed as additional testimony in Cherokee Freedmen doubtful cases #257, #306, #217, #367, and #358.

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J. O. Henson, 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. Henson

Subscribed and sworn to before me this October 14th, 1901.



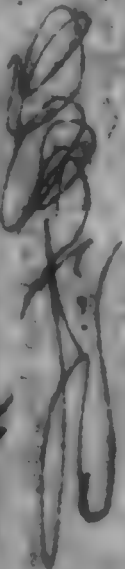
Commissioner.

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FILED  
OCT 13 1901

Comptroller



Should be and accordingly please to give the cash of account 1901.

*[Handwritten signature]*

Case and evidence presented in the proceedings were general.  
Proceedings and payment in the case, and the late found in a  
the character of the late claim and there is no doubt that the  
there is general payment and there is no doubt that the

File with Cherokee Freedmen, D-217, Nancy Thompson.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash., D.C., October 4, 1901.

In the matter of the application of Abbie Blythe for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

I. P. Bledsoe, Agent for the applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

Abbie Blythe, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Abbie Blythe.

Q How old are you? A I don't know.

Q To whom did you belong when the war ceased? A I belonged to Miss Blythe.

Q Did you nurse Mrs. Marks that is now? A Yes, sir.

Q Were you nursing Mrs. Marks, or was that what you were doing when you left them? A I was her nurse when I left her, nursed Fanny, her oldest child.

Q Where did you go when you left here? A I went in Kansas somewhere, as I stated before.

Q Who did you live there with? A I lived there with a family by the name of Bodson.

Mr. Hastings: Where were you, went to Missouri when you left?

A I don't know whether it was in Missouri or what.

Q You don't know where you were? A Well I said I told you.

Q Well, do you think you were in Missouri when you left and went off with this man, called Bodson? A Yes, sir, I came home here.

Q Weren't you in Missouri when you left? A Yes, sir.

Q How long had you been in Missouri when the war came up? A I don't know.

Q 20 years? A No, sir.

Q Ten? A I don't know.

Q Well, the best of your judgment? A Well I don't know, I haven't got any judgment about it because I don't know.

Q Well, was you up there five years? A I don't know.

Q Had you been there more than that? A I don't know.

Q You have got no judgment at all about it? A No, sir.

Q You know that you were in Missouri when the war came up?

A No, I wasn't, I was in the Nation here when the war came up, at home.

Q Where? A Well I don't know whereabouts, I told you before that I don't know one place from another.

Q You know Missouri from Arkansas? A No, only I have never been to Arkansas.

Q You know Missouri from the Cherokee Nation? A That is the Cherokee Nation.

Q Well, do you know Missouri from there? A Yes, I guess I do.

Q Guess you do? A I have answered all I can answer.

Q That is all you want to answer? A Yes, I don't want to answer no more.

Q Ever live in Missouri? A (No response).

Q Did you ever live in Missouri at any time? A Well now I have come on record you.

Commissioner: Will answer it again, yes or no. A Of course what I have said when I was back here.

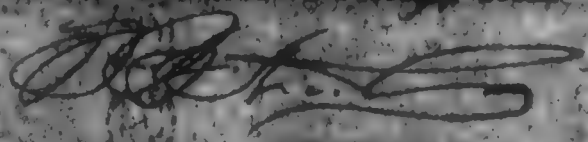
Commissioner: This testimony will be filed with the original case, and with the following cases: D-217, D-218, D-219, D-220, and D-221.

CONFIDENTIAL

Brace V. 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.

*Brace V. Jones*

Sworn to and subscribed before me this 18th of October, 1901.



Commissioner.

CONFIDENTIAL



File with C. F. D. 217, Nancy Thompson.

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

In the matter of the application of Abbie Blythe et al  
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY OF BEHAT OF CHEROKEE NATION.

Appearances:

Louis T. Brown, agent for applicants and others;  
F. W. Hastings, of attorneys for the Cherokee Nation.

ANNA H. DODSON, being sworn by Commissioner Needles testified  
as follows:

BY MR. HASTINGS:

- Q What is your name? A Anna H. Dodson.  
Q What is your citizenship, Mrs. Dodson? A I live in the Creek  
Nation, but I am a citizen of the United States.  
Q You don't claim to be of Indian blood? A No sir.  
Q Where did you live before the war? A At Elk Mills, in Donald  
County, Missouri.  
Q That was right on the line wasn't it? A Yes sir, one-fourth of  
a mile from the Cherokee line.  
Q Did you know Mrs. Jennie Blythe? A Yes sir.  
Q Did you know her husband, Jim Blythe? A Yes sir.  
Q Did you know them before the war? A Yes sir.  
Q Did you know a colored woman they had by the name of Abbie? A  
No sir.  
Q Where did you go during the war? A Well would you like to know  
everywhere I went.  
Q No, generally; did you go to Missouri or Kansas? A I went to  
Missouri.  
Q Were you married up there after the war? A I was married in  
Kent County, Maryland.  
Q When did you return to the Cherokee Nation, to your old home, to  
Missouri I mean? A I returned to my old home in March, 1866.  
Q Did you bring any colored person back with you? A No sir.  
Q Did Abbie Blythe come back with you? A No sir.  
Q How did you and your husband return? A We came in a wagon;  
we had two wagons, one with horses and one with oxen.  
Q Did you return to your old home at Elk Mills? A Yes sir.  
Q Right near the Cherokee line? A Yes sir.  
Q Did you cross Grand river or what is known in the state as Cow-  
skin river? A Yes sir.  
Q About how far south of there did you go? A About a quarter of  
a mile.  
Q And no colored woman came back with you? A No sir.  
Q Did you ever see this Abbie Blythe to know her after the war?  
A No sir.  
Q You had no children at that time? A No sir.

BY MR. BROWN:

- Q What is your name, please? A Anna H. Dodson.  
Q Did any colored person return with you? A No sir.  
Q You don't know the applicant in this case at all? A No sir.  
Q Was anybody else living in that neighborhood or in about it in  
the State of Missouri by the name of Dodson? A Not that I know of.  
Q Might be some one there and you not know it? A Yes, there might  
be.

BY MR. HASTINGS:

- Q Anyone living nearby near around you by that name except your  
own family? A No sir.

BY MR. BROWN:

How far at that time did your acquaintance with the neighborhood extend, as far as the line, or five or six miles? A. Yes sir.

Q. Will it extend further than that? A. I knew some persons in different parts of the county, but not generally.

Q. There might have been some one in the neighborhood of 10 miles by the name of Dodson and you not know it? A. Yes sir.

BY MR. HARTSON: Let that be filed in D-306, D-217, D-367 and D-368.

E. 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.

*E. D. Green*

Subscribed and sworn to before me this January 31, 1902.

*[Handwritten Signature]*

Commissioner

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JAN 31 1902  
U. S. DEPT. OF JUSTICE

(COPY)

A. F. No.

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

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

Abbie Elythe et al.,	Cherokee Freedmen D 257
Nancy Thompson,	Cherokee Freedmen D 217
Edmond Elythe	Cherokee Freedmen D 306
Alice Lynch, et al.,	Cherokee Freedmen D 367
Lucy Landrum, et al.,	Cherokee Freedmen D 368
Anna Henry,	Cherokee Freedmen D 1074.

D E C I S I O N .

**THE RECORD HEREIN SHOWS:** That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Abbie Elythe for herself and minor children, Minnie and Galis Elythe; by Jordan Thompson for, among others, his wife, Nancy Thompson; by Edmond Elythe for himself; by Alice Lynch for herself and minor children, Lovely Eaton, Harry, Calvin and Eddie Lynch; by William Leonard Landrum for, among others, his wife, Lucy Landrum; and by Anna Henry for herself. The others included in the above applications having been differently classified their rights to Cherokee freedman citizenship will not be considered in this decision.

**THE EVIDENCE IN THIS CASE SHOWS:** That the applicant, Abbie Elythe, claims the right to Cherokee freedman citizenship by virtue of her compliance with the provisions of Article nine treaty of 1866, and that the other applicants herein claim the same right as her descendants.

The following points are fully established by the proof submitted:

- (1) That the applicant, Abbie Elythe, was the slave of a Cherokee citizen at the commencement of the rebellion, and for several years prior thereto resided with her master in the state of Missouri; that during the war she was sold to a citizen of said state, named Lammox, and continuously lived therein till about the year 1872, when she, with her family, removed to the Cherokee Nation, and has since continuously resided therein.



(2) That said applicant, Abbie Blythe, is the mother of the applicants, Anna Henry, Alice Lynch, Edmond Blythe, Nancy Thompson, and Minnie and Calis Blythe, and that the applicant, Alice Lynch, is the mother of the applicants, Lucy Landrum, Lovely Eaton and Early, Calvin and Eddie Lynch, all of whom were born, in the order named, since the close of the rebellion. And that the father of the applicants, Early and Calvin Lynch (both of whom were born subsequent to the year 1890) was one William Lynch, now deceased, who, the records of this office show, is identified on the Cherokee authenticated tribal roll of 1880, and on the final Cherokee Freedman approved roll, opposite No. 1793.

(3) That, except as above noted, neither the applicants herein nor any discovered ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship can be identified on the Cherokee authenticated tribal roll of 1880 or the Cherokee census roll of 1896.

The evidence further shows that the said Anna Henry and Alice Lynch were born in the state of Missouri of white paternity, and, in the absence of proof to the contrary, it will be presumed that their fathers were non-citizens of the Cherokee Nation.

It further appears that ample opportunity has been afforded the applicants Edmond Blythe and Nancy Thompson to establish their paternity, but that in this they have wholly failed, hence, it can not be presumed that they obtain any rights to Cherokee citizenship from that source.

It is further shown that the applicant, Abbie Blythe, testified that the father of her two children, Minnie and Calis Blythe, was one Calvin Hilderbrand, now deceased, but, after ample opportunity having been afforded, it is not established that the said Calvin Hilderbrand, deceased, was a Cherokee citizen. An examination of the Cherokee records in this office fails to disclose that this alleged ancestor was ever recognized by the Cherokee authorities as a citizen of the Cherokee Nation, consequently, it can not be presumed that the two applicants last above named obtain any rights to Cherokee citizenship through their father.

It also appears that on her first appearance before the Commission in this case, the applicant, Alice Lynch, testified that her oldest child, Lucy Landrum, nee Eaton, was the daughter of one Thomas Eaton, who, the records of this office show, is on the final Cherokee Freedman roll opposite No. 1742, and that her oldest child living at home was named "Lovely Eaton". Enrollment card Freedman D 367, shows that the said Alice Lynch gave the name of Lovely Eaton's father as Thomas Eaton, and the record herein shows that in a birth affidavit executed by her on May 21, 1901, and filed with the Commission on August 21, 1901, she deposed that Tom Eaton was the father of her child, Love (Lovely) Eaton. And that on her last appearance herein she testified that the father of her said child, Lovely Eaton, was one Fred Martin, who, the records of this office show, is on the final Cherokee Freedman roll opposite No. 4053. And that she further testified that the father of her child, Eddie Lynch, was the said William Lynch, deceased, above referred to.

The only proof herein relative to the paternity of the said Lucy Landrum and Lovely Eaton is the uncorroborated testimony of their mother, and which, as to Lovely Eaton, is contradicted by the information she gave the card clerk, and also by the birth affidavit executed and filed by her. The testimony of this applicant further shows that her two children last above named, are the fruits of an occasional illicit association with their fathers, whoever they may be.

As to the paternity of the applicant, Eddie Lynch: The record (birth affidavit) shows that he was born December 18, 1900. Also that on May 7, 1901, and February 21, 1903, the said William Lynch, since deceased, appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and testified that he was the former husband of the said Alice Lynch and that about 1897 or 1898 he was divorced from her; that four children were born to them, two of whom, at their separation, remained with their mother and two, Maria and Willie, went with him and for whom he made application for enrollment; and that since his divorce from Alice he married one Mary Teener by whom he had one child, who, a comparison of the record shows, is between one and two months younger than the said Eddie Lynch.

In view of the foregoing it is considered that the evidence in this case fails to satisfactorily establish the paternity of Lucy Landrum, Lovely Eaton and Eddie Lynch, hence the applications for their enrollment as descendants of their fathers come within the ruling of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1466-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Moses Ross (I.T.D. 6086-04), Jane Looney et al. (I.T.D. 6410, 12686-04), Florence Bratcher (I.T.D. 12692-04), and Frankie Grismett (I.T.D. 17902-1906).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Abbie Plythe, Minnie Blythe, Calis Blythe, Nancy Thompson, Edward Blythe, Alice Lynch, Lovely Eaton, Eddie Lynch, Lucy Landrum and Anna Henry, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied; and that, in accordance with the provisions of Section Twenty-one of the Act above noted, Early Lynch and Salvin Lynch, are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted.

(Signed) Paul Bixby,  
Commissioner

Dated at Muskogee, Indian Territory,  
this 28th day of June 1906.

10

F. D. 217

**INDIAN TERRITORY,  
CHEROKEE NATION.**

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

by delivering a true copy thereof on the  
25 day of Sept A. D. 1901

Given under my hand this 26  
day of Sept A. D. 1901  
John Parker  
Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
OCT 2 1901

*Spavin*

# NOTICE!

IN THE MATTER OF the application of Nancy Thompson  
for enrollment as Cherokee Freedmen:

Case No. F. D. 217

To Nancy Thompson, Spavinaw, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 1st 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 23 1901

L B Bell

W. W. Hastings

J. D. Davenport  
Attorneys for the Cherokee Nation.

87

4.11.49

11

# **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 relevant 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. Nancy Simpson,  
Spokane, I.T.  
Cherokee Sub-Office  
Registrar.

**TAMM BISH.**

**E. B. MILES.**

**C. R. BRIDGEMAN.**

**Commissioners.**

1057

RECEIVED  
FEB 10 1957  
U.S. AIR FORCE  
OFFICE OF THE  
SECRETARY  
WASHINGTON, D.C.

CHEROKEE FREEDMEN.

Date *May 9, 1901*  
Post Office *Spingarn, S.C.*  
District *South*

Name \_\_\_\_\_ Age \_\_\_\_\_  
Class's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Name \_\_\_\_\_ Citizenship \_\_\_\_\_

Name of wife *Nancy Thompson* Age *40*  
Class's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year *60* Page *17* No. *100* District *001*  
Name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Name \_\_\_\_\_ Citizenship \_\_\_\_\_

Name of Wife *~~Charlotte~~*

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

Application made by *Susan Thompson, wife of R.C. Jones*  
*the wife of as Nancy Jones*

*XRef.*



( C O P Y )

Cherokee  
D.D.-217

Muskogee, Indian Territory, September 12, 1905

Nancy Thompson,

Spavinaw, Indian Territory.

Dear Madam:

In connection with your application for enrollment as a Cherokee freedman you are advised that before a final decision can be rendered in your case, it will be necessary that further testimony be introduced as to who your father was and whether or not he was a Cherokee freedman.

You are, therefore, hereby notified 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 28, 1905, and introduce the 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.

Respectfully,

(Signed) Wm. O. BEALL  
Acting Commissioner

G.H.L.  
Register

Cherokee  
F D-217.

COPY

Washago, Indian Territory, September 18, 1906.

I. P. Bledsoe,  
Agent for Nancy Thompson,  
Choteau, Indian Territory.

Dear Sir:

In connection with the application for the enrollment as a Cherokee freedman of Nancy Thompson, you are advised that before a final decision can be rendered in this case, it will be necessary that further testimony be introduced as to who her father was and whether or not he was a Cherokee freedman.

The applicant, Nancy Thompson, has this day been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at Washago, Indian Territory, at nine o'clock A. M. on Thursday, September 18, 1906, and introduce the 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.

Respectfully,

SIGNED.

*Wm. B. ...*  
Special Commissioner.

GHL

COPY.

Cherokee  
F D-217.

Muskogee, Indian Territory, September 12, 1905.

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

Gentlemen:

In connection with the application for the enrollment as a Cherokee freedman of Nancy Thompson, you are advised that before a final decision can be rendered in this case, it will be necessary that further testimony be introduced as to who her father was and whether or not he was a Cherokee freedman.

The applicant, Nancy Thompson, has this day been notified 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 28, 1905, and introduce the 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.

Respectfully,

SIGNED.

*Wm. C. Bell*  
Acting Commissioner.

CHIL

(COPY)

Chaffee, I.T., Mar. 3-06.

To The Hon. James Bixby,  
Commissioner of the Five Civilized Tribes.,  
Muskogee, I. T.

Dear Sir:--

I wish to employ, Messrs Zeverly & Givens, of  
Muskogee, I. T., as associate attorneys in the case of my appli-  
cation for enrollment as a Cherokee Freedman, and I request  
that they be entered as such associate attorneys in my case.

Respectfully

his  
Edmond I Hlythe  
mark  
her  
Ninnie I Hlythe  
mark.

Witness:--

G. V. Spiller  
Lillie Mayfield.

Greene, I. T., March 10<sup>th</sup> 1864.

To Hon. Daves Commission.

I wish to have the names of Messrs. Levaly & Givens as my associate attorneys in the case of Abby Flythe, Edward Flythe et al., Cherokee freedmen. Please have them so listed and oblige.

I. P. Kleiser.

---

COPY:

Washago, Indian Territory, June 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated application of Abbie Elythe et al, including the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, rejecting the applications of Abbie, Minnie and Galls Elythe; Nancy Thompson; Edmund Elythe; Alice and Eddie Lynch; Lovely Eaton; Lucy Landrum and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen.

Respectfully,

Encl. H.A. 28-18.

CHECKED.

*Jame Bixby.*

Special Agent in Charge

Cherokee Freedmen  
D 257 et al.

COPY.

Washkagee, Indian Territory, June 28, 1906.

Lovely and Givens,

Attorneys for Abbie Blythe et al,

Washkagee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for the enrollment of Abbie, Ninnie and Calie Blythe; Nancy Thompson; Edward Blythe; Alice Lynch; Lovely Katen; Eddie Lynch; Lucy Landrum; and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

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

Respectfully,

(SIGNED)

Jame Fixby.

Encl. N. A. 28-16.

Gr. - 16

Cherokee Freedmen  
D 287 et al.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Bell, Hastings and Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, rejecting the application for the enrollment of Abbie, Minnie and Galis Blythe; Nancy Thompson; Edmond Blythe; Alice and Eddie Lynch; Lively Eaton; Lucy Landrum and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen.

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

Respectfully,

Encl. M.A. 28-18

MINED.

*Tams Dixey.*

COMMISSIONER.



Cherokee Freedmen  
D. 200 al.

COPY.

Muskogee, Indian Territory, June 28, 1906.

I. P. Hedges,

Agent for Abbie Blythe, et al,

Cheuteam, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie, Minnie and Galls Blythe; Nancy Thompson; Edmund Blythe; Alice and Eddie Lynch; Lovely Eaton, and Anna Henry as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

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

Respectfully,

Encl. E.A. 28-17.

(SIGNED).

Tams Dixby.

Comm

Cherokee Freedmen  
D 217.

OOPY.

Muskogee, Indian Territory, June 28, 1906.

Nancy Thompson,

Spavinaw, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting among others, your application for enrollment as a Cherokee freedmen.

Your agent, I.P. Rledsoe, Chouteau, Indian Territory; and attorneys, Zevely and Givens, Muskogee, Indian Territory, have hertofore been furnished copies of the record of proceedings had in your case, and there have this day been forwarded to them copies of the Commissioner's decision.

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

You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. M.A.28-9.

Register.

*Tama Dixby.*  
Commissioner.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Abbie Elytha, et al, D. 227, et al. Service of a copy of this motion on Lovely, Givens and Smith, attorneys for applicants, Muskogee, Indian Territory, is shown. The records of this office fail to show that a motion for a rehearing of the freedman case of Abbie Elytha, et al, has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applicants embraced in said case was, together with the record of proceedings had in the case, forwarded to the Department on June 28, 1906.

Respectfully,

Encl. N.A. 22-1.

Commissioner.

Through the Commissioner  
of Indian Affairs.

(COPY)  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND  
56236-1906.  
68644-1906.  
73828-1906.

September 12, 1906;

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from the Commissioner to the Five Civilized Tribes, dated June 28, 1906, enclosing the record in the case of Abbie Blythe, et al., applicants for enrollment as Cherokee freedmen; also a motion for re-hearing filed in this Office on July 31, 1906, by McGowan, Servess & Mohun, Washington, attorneys for the applicants.

On August 22, 1906, the Commissioner transmitted to this Office the reply on behalf of the Cherokee Nation, showing written acceptance of service on August 9, 1906, by Zevely, Givens & Smith, attorneys for the applicants.

The principal applicant in this case, Abbie Bly (or Blythe), made application for the enrollment of herself and two minor children, Minnie Bly, aged sixteen and Calis Bly, aged twelve, on May 11, 1901, at Vinita, at which time she introduced testimony in support of her contention. Supplemental testimony was submitted on May 15, 1901, on October 2, 1901, October 4, 1901, January 27, 1902, and September 28, 1905. The other applicants in this case, Nancy Thompson, Edmond Blythe, Alice Lynch, et al., Lucy Landrum, et al. and Anna Henry, are the

children and grandchildren of the principal applicant, whose rights to enrollment as Cherokee freedmen depend entirely on such rights as she may have, except in two instances mentioned in the decision.

The evidence shows that Abbie Bly (or Blythe) was the slave of James Blythe, a Cherokee citizen, before and at the commencement of the Civil War. The testimony of Blythe himself is that when the war broke out he was living in McDonald county, Missouri, and had been a resident of that State for about five years; that Abbie was his slave in Missouri, and that in the year 1862 or 1863 he sold her to one James Lumance, of Pineville, Missouri, that he next saw her after the war in the spring of 1866, when she came to him and again wanted to live in the family as in former days; that he saw her no more until sometime after he moved to Vinita in 1871, when she came to him to seek advice as to the best place for her to locate.

The testimony of Abbie Blythe is very indefinite, contradictory and unsatisfactory on the one material point in this case, viz: as to when she returned to the Cherokee Nation after the war. At one time she said she came in a wagon with a family named Dodson, from some place in Kansas, and denied that she had ever lived in Missouri; that they came back in the fall of 1866, and camped out on the Grand River. At another time she testified that she came back with a white family but did not know the name. The testimony of Mrs. Blythe

is clear on all points save that concerning Abbie's return to the Cherokee Nation, though somewhat in conflict with that of her husband, which is easily accounted for by reason of the great lapse of time intervening between the events and the hearing; but as to where Abbie Blythe was from 1865 to 1879 she knows nothing.

Captain Hicks, another of her witnesses, testified that he had known Abbie twenty-five or twenty-six years in the Cherokee Nation, but that he did not know where she was in 1866. It will be observed that he became acquainted with her in 1875 or 1876. The name of Abbie Bly (or Blythe) does not appear on the authentic roll of 1880, nor on the census roll of 1896, but does appear on the Kerns-Clifton Roll as Abbie Blye, No. 3897, Coowescoowee District, while Minnie Blye is on the same roll as No. 3899 and Callus Blye appears as No. 3900.

The evidence shows that applicants Anna Henry and Alice Lunch were born in the State of Missouri, and the Commissioner found that both were of white paternity, and assumed that the fathers were non-citizens. It is alleged by Abbie Blythe that one Calvin Hilderbrand, deceased, was the father of Minnie and Callis Blyth, but there is no evidence that he was a citizen of the Cherokee nation, even if it be assumed that he was in fact the father. There is no evidence showing who was the father of Edmond Blyth and Nancy Thompson.

The testimony in this case shows a very low state of morals, and about the only established fact is that Abbie Ely was a slave and is the mother of her children, Early Lynch and Calvin Lynch were proven to be the children of William Lynch former husband of Alice Lynch, from whom he was divorced in 1897 or 1898, and were duly enrolled as children of their father under Section 21 of the Act of June 26, 1898, (30 Stats. 495).

The motion for re-hearing is supported by five affidavits, which are presumed to be on the theory of newly discovered evidence, though no proper showing is made to establish that fact. Without entering into any discussion as to the showing necessary to justify a re-hearing, the Office calls attention to the fact that four of these affidavits signally fail to locate the principal applicant in the Cherokee Nation during 1866 or 1867, or at any other time. All they do is to locate her in Missouri at different times after the War.

The affidavit of Simon Lynch locates her in the Cherokee Nation, but even if his affidavit be true, it would seem that the exercise of any degree of diligence would have found him and produced him before the Commission during the five years this case was open.

The Office respectfully recommends that the motion for a re-hearing be denied, and that the decision of the Commissioner rejecting the enrollment of all the applicants except Early

(5)

Lynch and Calvin Lynch be affirmed; also that the enrollment  
of Early Lynch and Calvin Lynch be approved.

Very respectfully,

F. H. Lynch.

Commissioner.

FVE-LC..



D.C.54100

(COPY)

J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.17918-1906.

December 8, 1906.

L.R.S.

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

Sir:

The Indian Office on September 13, 1906 (Land 75825), transmitted your report dated June 28, 1906, forwarding the record in the matter of the consolidated applications of Abbie Blythe et al. for enrollment as Cherokee freedman.

On June 28, 1906, you rendered a decision rejecting the applications of Abbie, Minnie, and Calis Blythe, Nancy Thompson, Edmond Blythe, Alice and Eddie Lynch, Lovely Eaton, Lucy Landrum, and Anna Henry and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen.

There is also transmitted a motion for rehearing filed by the attorneys for the applicants and the reply of the nation to said motion.

The Indian Office recommends that the motion for rehearing be denied, and that your decision rejecting the applications for the enrollment of all the applicants except Early and Calvin Lynch be approved. A copy of its letter is inclosed.

The Department has considered the motion for rehearing in

connection with the record, and is convinced that no sufficient reason is shown for a further hearing of this case.

The motion for rehearing is accordingly denied. Your decision, rejecting the applications of Abbie, Minnie and Calis Flythe, Nancy Thompson, Edmond Flythe, Alice and Eddie Lynch, Lovely Eaton, Lucy Landrum, and Anna Henry and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen, is hereby affirmed.

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

---

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 5 to Ind. Of.

Cherokee F  
D. 217.

Muskogee, Indian Territory, December 17, 1906.

Nancy Thompson,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting your application for enrollment as a Cherokee freedman was approved by the Department December 8, 1906, and the motion for a rehearing of your case denied.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.  
D. 257 et al.

Muskogee, Indian Territory, December 17, 1906.

I. P. Hledsoe,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Elythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

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

Respectfully,

Encl. H. J. - 12.  
H. J. C.

Commissioner.

Cherokee Y.  
D 257 et al.

Muskogee, Indian Territory, December 17, 1906.

Zevely, Givens & Smith,

Attorneys for Abbie Rlythe, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Rlythe, et al., and granting the application for the enrollment of Marly and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and your motion for a rehearing of said case denied.

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

Respectfully,

Encl. N.J.-21.  
H J.C.

Commissioner.

Cherokee F.  
D 257 et al.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Elythe, et al., and granting the application for the enrollment of Harly and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

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

Respectfully,

Encl. H. J. - 10.  
H. J. C.

Commissioner.

Muskogee, Indian Territory, February 9, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed an amended motion for rehearing of the consolidated Cherokee freedom cases of Abbie Blythe, et al. This motion was filed by Zevely, Givens & Smith, Muskogee, Indian Territory, and Starr & Patten, Vinita, Indian Territory, January 18, 1907. The reply of the Attorney for the Cherokee Nation filed January 28, 1907, is also enclosed.

The decision of the Commissioner to the Five Civilized Tribes dated June 26, 1906, rejecting the applications for the enrollment of all of the applicants embraced in the consolidated Cherokee freedom cases of Abbie Blythe et al. except Early and Calvin Lynch, was affirmed by the Department December 8, 1906 (I.T.D. 17918-1906). The Department also, on that date, denied a motion filed by Messrs. Zevely, Givens & Smith, for a rehearing of the case,

Secretary-2

holding that it "has considered the motion for rehearing in connection with the record, and is convinced that no sufficient reason is shown for a further hearing of this case."

The evidence upon which this motion herewith enclosed is based seems to be merely cumulative; in fact it is supported by copies of a number of affidavits which the Attorney for the Cherokee Nation alleges are copies of affidavits filed in support of the motion for rehearing which the Department denied on December 8, 1906. There is nothing whatever to show that the motion is not made for the purpose of delay, or that with due diligence the evidence now sought to be introduced could not have been secured when the case was heard before the Commission and the Commissioner. A re-examination of the records in the case convinces the Commissioner that there is no merit to the motion, and it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. 2-24

Commissioner



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

LAND.  
107542-1906  
15728-1907.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of December 8, 1906 (I.T.D.17918-1906), denying motion for re-hearing in the application of Abbie Elythe, et al., I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 9, 1907, enclosing amended motion for re-hearing in a consolidated case, which was filed with the Commissioner on January 18, 1907, by Zevely, Givens & Smith, of Muskegee, I. T., and Starr & Patten, of Vinita, I. T.

The reply of the attorney for the Cherokee Nation was filed January 26, 1907. The evidence on which the amended motion is based is merely cumulative. It is supported by copies of a number of affidavits which the attorney for the Cherokee Nation alleges are copies of affidavits filed in support of the motion for re-hearing, which was denied on December 8, 1906. There is nothing to show that this motion is not made for the purpose of delay, or that with due diligence the evidence now sought to be secured could not have been produced when the case was first

heard before the Commission and the Commissioner.

The original application was made on May 11, 1901, and no decision was rendered until June 28, 1906, a period of more than five years, and it was not until after an adverse decision was rendered that the applicants made any effort whatever to secure the testimony that they now allege they could introduce if the case is re-opened.

The Office is of the opinion that sufficient diligence has not been shown in this case to justify a re-opening, and it therefore concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FWP--52.

COPY

D.E.12322-1907. DEPARTMENT OF THE INTERIOR, J.Fjr.

I.T.D.5554-1907. WASHINGTON. LLB

L.R.S.

Direct.

March 1, 1907.

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

Sir:

The "amended motion for rehearing" of the consolidated Cherokee freedman cases of Abbie Mythe et al., received with your letter of February 9, 1907, and Indian Office letter of February 26, 1907 (Land 15728), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by section 2 of the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

James E. Wilson

Assistant Secretary

1 inc. and 3 to Ind. Of.

A. F. Mc

3-107.

Cherokee F  
B 217

Muskogee, Indian Territory, April 2, 1907.

Nancy Thompson,  
Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the motion, filed by your attorneys, Zevely, Givens & Smith, of Muskogee, Indian Territory, and Starr & Patten, of Vinita, Indian Territory, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 1, 1907.

Respectfully,

*J. D. Rodgers.*  
Acting Commissioner.

LMC

Cherokee F.  
B 287

Muskogee, Indian Territory, April 2, 1907.

Starr & Fatten,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by your  
for a rehearing of the Cherokee freedman enrollment case of  
Abbie Elythe, et al., was denied by the Secretary of the Interior,  
March 1, 1907.

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

Respectfully,

*W. J. [Signature]*  
Acting Commissioner.

Encl. 0-3  
LMC

Sherrice V.  
D. 187, et al.

Muskogee, Indian Territory, April 2, 1907.

Levelly, Givens & Smith,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedmen enrollment case of Abbie Elythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

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

Respectfully,

*J. D. Rogers.*  
Acting Commissioner.

Encl. 6-4  
LHC

Cherokee F.  
D 257, et al.

Muskogee, Indian Territory, April 2, 1907.

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

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

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

Respectfully,

*John D. R. ...*  
Acting Commissioner.

Encl. C-5  
LMS

Cher. Fr. R. 847

Trans. from C. Fr. D. 234

Cher. Fr. R. 847



John Taylor. 4.

Q Did you vote for A. You sir.

Q Who did you vote for to the Cherokee Nation? A. For Josi Jones.

Q When A. Jones was running for Chief.

Q That year was that? A. I don't know.

Q Who else did you vote for besides A. For Buffington.

Q When was that I don't know the year, when he was running for Chief.

The Wallace roll of the Cherokee Nation examined and the name identified as follows:

Page 143, No. 3981, John Taylor, Illinois District.

By the Court:

Q Where has your mother been living all this time? A. In Fort Sisson, where she bought that place from Frank Sisson.

Q As a matter of fact when you came back to the Cherokee Nation you have always stayed up here on the river? A. Yes sir.

Q For the last 15 or 20 years when you would come back to the Cherokee Nation you would stay around on the river and not at your mother's? Yes sir I have been on the river mostly.

Q You have not made your mother your home for the last 15 or 20 years? No sir, but when I was a child I lived at my home.

By the Court:

Q Are you or your mother or your father? A Yes sir, but I am not or vs a good name with my step father.

Q When you were a child did you ever stay there just like my mother would not do that. No sir I never paid any board, just lived there like my mother would.

By the Court:

John Taylor, listed to the Cherokee Nation as a Cherokee Citizen; his name is on the authentic roll

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 10th 1901.

In the matter of the application of John Taylor 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. John Taylor.  
Q How old are you? A. 46.  
Q What is your post office address? A. Spavinaw.  
Q In what district do you live? A. Saline.  
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. I have.  
Q Is your name on the roll of 1880? A. I dont know. My people call is.  
Q Whose do you want to have enrolled? A. Just myself.  
Q You know if your name is on the authenticated roll of 1880 or not dont you? A. I was not here in 1880.

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

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

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant not found thereon, as follows:  
Page 122, No. 5675, John Taylor, Cooweescoowee district.

- Q What is your fathers name? . A Isaac Vann  
Q Is he living? A. No sir.  
Q What is your mothers name? A. Malinda Smith? A. Is she living? A. Yes sir.  
Q Where were you born? A. In Fort Gibson.  
Q Were you a slave before the war? A. Yes sir.  
Q Who were you owned by? A. Sam Taylor.  
Q Where were you taken to during the war? A. I was on Greenleaf? A. In the Cherokee Nation? A. Yes sir.  
Q Never went south at all? A. Yes sir.  
Q Where to? A. As far as Red River.  
Q When did you come back to the Cherokee Nation after the war? A. When the Federals had headquarters at Fort Gibson.  
Q Do you know what year that was in? A. No sir.  
Q Have you been here ever since you came back? A. Yes sir off and on.  
Q Are you married? A. Yes sir.  
Q Is your wife a citizen? A. No sir State raised.

By W. W. Hastings, attorney for the Cherokee Nation:

- Q What is your wifes name? A. Ada.  
Q How long have you been married? A. December last, the 26th  
Q Where were you married? A. On the river over here.  
Q You went to Kansas didn't you? A. Yes sir I worked in Fort Scott.  
Q How long did you work there? A. Two or three springs.  
Q You were also in Sewage? A. Yes sir.  
Q You said before that you went to Kansas during the war? A. Yes sir at the breaking out of the war,  
Q And after the war you went to Fort Scott? A. Yes sir two or three years after the war.  
Q Who did you come back to the Cherokee Nation with? A. Louis Vann and John Ross.  
Q Did you come back with your mother? A. No sir she was here, cooking at Fort Gibson for Col. Stephens.  
Q How old a boy were you when you came back? A. A good big boy.

- Q To what point did you come back? A. Fort Gibson.  
Q Do you know Frank and Junie Smith? A. Yes sir.  
Q You went to their place there didn't you? A. Yes sir.  
Q How long did you stay there? A. When I first came back I staid there just a little while and then went to Greenleaf where my sister was living.  
Q How long did you stay there? A. All that year.  
Q Then where did you go? A. To Oswego and Ochetopa.  
Q When did you come back from Oswego and Ochetopa? A. I dont know.  
Q About what year was it? A. I went there and then came back and then went there again and then came back.  
Q How long did you live there the first time after the war? A. I came right back in about a month.  
Q Where to? A. Fort Gibson.  
Q How long did you stay there? A. All that summer.  
Q Then where did you go? A. To Kansas.  
Q How long did you stay there then? A. All fall.  
Q Where did you go then? A. Down in here again.  
Q You never have made a crop in the Cherokee Nation have you? A. Yes sir.  
Q When? A. Last summer.  
Q Was that the first time that you ever made a crop here? A. Yes sir, but I have been working in ~~the nation~~ for white people—Cherokees—several years, but never made a crop for myself before last year.  
Q What kind of work had you been doing before you cropped for yourself? A. Farming.  
Q Where do you live now? A. On Grand river.  
Q How long have you lived there continuously and not been in Kansas? A. I dont know exactly, 15 or 16 years though.  
Q All the time? A. Yes sir.

By the Commission:

- Q When you went out of the Cherokee Nation during the war, did you go with your mother? A. No sir.  
Q You say you went to Red River during the war also, did you go there with your mother? A. No sir.  
Q Did you come back with your mother? A. No sir.  
Q Didn't go out with your mother or come back with your mother? A. No sir.  
Q When were you married? A. December last.  
Q Was that the first time that you were ever married? A. Yes sir.  
Q Before that you were a single man and just kept going round? A. Yes sir.

COLUMBUS LASLEY, called and sworn as a witness, testified as follows for the applicant before Commissioner T. B. Needles,--

- Q What is your name? A. Columbus Lasley.  
Q What is your post office address? A. Tahlequah.  
Q How old are you? A. 53.  
Q Are you a recognized Cherokee citizen? A. Yes sir.  
Q Freedman? A. Yes sir.  
Q Are you on the roll of 1868? A. Yes sir.  
Q Do you know this applicant here, John Taylor? A. Yes sir.  
Q How long have you known him? A. Ever since '68.  
Q Where was he in 1868, if you knew? A. I cant say just exactly, he might have been at Fort Gibson.  
Q You knew him in '68? Was he in Fort Gibson then? A. Yes sir.  
Q Did you know his father and mother? A. His mother.  
Q Was she there then? A. Yes sir.  
Q Was he living with her then? A. I cant say if he was or not.  
Q His name is not on the roll of 1868, do you know the reason? A. No sir.  
Q Are you any relation to him? A. No sir.  
Q Do you know if he was in Fort Gibson in 1868? A. No sir I cant say, he might have been.

By the Cherokee Nation-

- Q Where did he go to from Fort Gibson? A I cant tell.
- Q You lived around there then? A. Yes sir.
- Q And after '85 he escaped your knowledge? A. Yes sir.
- Q And you didnt see him around there any more? A. No sir.
- Q Bent you know that he went to Kansas? A. No sir I never heard him say that he did.
- Q Didn't he tell you that he went to Kansas? A. No sir.
- Q But you didn't see him for a number of years? A. No sir, the first time that I seed him after that was at Tahlequah.
- Q When was that? A. Some years ago.
- Q Eight or ten years ago? A. Yes sir somewhere like that.

By the ~~Witness~~ Commission:

- Q Has he been in the Cherokee Nation ever since 8 or 10 years ago? A. I dont know.
- Q How often have you met him in that time? A. Not very often
- Q Do you know if he was a slave? A. Only what I have heard him say.
- Q Was his mother a slave? A. Yes sir.
- Q She is a Cherokee Freedman is she? A. Yes sir.

COLUMBUS McNAIR, called and sworn as a witness for the applicant, testified as follows before Commissioner T. B. 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 Are you a recognized Cherokee Freedman? A. Yes sir.
- Q Do you know John Taylor. ? A Yes sir.
- Q How long have you known him? A. Ever since the war.
- Q Do you know where he was right after the war? A. No sir I dont.
- Q Where did you first see John after the war? A. 8 or 10 years after the war.
- Q You dont know where he was in 1866? A. No sir.
- Q Has he been living in the Cherokee Nation during the past 8 or 10 years? A. I have seen him off and on.
- Q He has been a single man up till a shere time ago? A. Yes sir.

By the Cherokee Nation:

- Q Do you know if he has been living in Kansas? A. I have heard he has.
- Q Did he ever tell you where he had been living? A. No sir
- Q How often have you seen him in this country? A. Maybe two or three months at a time and then again not for a year.

Applicant re-called and examined by Commissioner Needles:

- Q Did you ever vote in Kansas? A. I think I have.
- Q How long ago? A. When I was working at that water works in Cowege.
- Q How long ago has that been? A. 7 or 8 years.
- Q Were you just going round and getting work in Kansas, a single man looking for work? A. Yes sir a single man and just working around at first one thing and then another to get something to do.
- Q Did you ever own any property in the Cherokee Nation? A. Yes sir.
- Q Any land? A. No land, only horses.
- Q Is your mother living? A. Yes sir.
- Q Did you ever go to her house and stay with her? A. Yes sir.
- Q When you came to the Cherokee Nation would you make your mothers house your home? A. Yes sir
- Q Have you ever voted here in the Cherokee Nation? A. Yes sir
- Q Did you draw your strip money? A. Yes sir.
- Q Did you draw your strip money in the Cherokee Nation? A. Yes sir

John Taylor 4.

Q Did you ever draw money under the Wallace roll? A. Yes sir.

By the Cherokee Nation:

Q Who did you vote for in the Cherokee Nation? A. For Joel Mayes.

Q When? A. When he was running for Chief.

Q What year was that? A. I dont know.

Q Who else did you vote for here? A. For Buffington.

Q When was that I dont know the year, when he was running for Chief.

The Wallace roll of the Cherokee Nation examined and the applicant identified thereon as follows:

Page 145, No. 2991, John Taylor, Illinois district.

By the Cherokee Nation:

Q Where has your mother been living all this time? A. In Fort Gibson, where she bought that place from Frank Smith.

Q As a matter of fact when you came back to the Cherokee Nation you have always staid up here on the river? A. No sir

Q For the last 15 or 20 years when you would come back to the Cherokee Nation you would stay around on the river and not at your mothers? Yes sir I have been on the river mostly.

Q You have not made your mothers your home for the last 15 or 20 years? No sir, but when I was there I considered it my home.

By the Commission:

Q Are you and your mother on good terms? A Yes sir, but I am not on very good terms with my step father.

Q When you were there at her home did you pay her board or stay there just like any other child would at his mothers? A. No sir I never paid any board, just staid there like any other child would.

By Gen'l Needles,-

John Taylor applied for the enrollment of himself as a Cherokee Freedman; his name is not on the authenticated roll of the Cherokee Nation but is on the Kerne Clifton roll and the Wallace roll; he is duly identified and makes satisfactory proof as to his residence. By reason of the fact that his name is not found on the 1880 authenticated roll, and for the further fact that the Cherokee Nation protests his citizenship, his name will be placed on a doubtful card awaiting the further consideration of the Commission. When the Commission arrives at a decision in this case he will be notified by mail.

\*\*\*\*\*

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

Chas von Weise

Subscribed and sworn to before me this the 15th of May, 1901 at Vinita,

L. T.

M. D. Green

Notary Public.

R  
Chas Freed  
Supp'l to Chas F B 234

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

In the matter of the application of JOHN TAYLOR, for the enrollment of himself as a Cherokee Freedman:

SUPPLEMENTAL TESTIMONY FOR APPLICANT.

Appearances:

W. W. Hastings for the Cherokee Nation;

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

- Q What is your name? A Miranda Smith.  
Q How old are you? A When I was enrolled I told them I was sixty years old, but John says I am seventy five.  
Q Are you acquainted with John Taylor, the applicant in this case?  
A Yes sir, that's my son.  
Q Where was he born? A Down on Greenleaf.  
Q In the Cherokee Nation? A On Greenleaf, yes sir.  
Q Who was his owner? A Sam Taylor.  
Q Did your boy John leave the Cherokee Nation when the war broke out?  
A Well, he went off, but he would come and go.  
Q He went away did he?  
A Yes sir.  
Q Where did he go?  
A I can't tell you where he went, he said he was working.  
Q Do you know when he came back?  
A I couldn't tell you; I aint an educated woman.  
Q Did you yourself leave during the war?  
A No sir, I never went out of the Cherokee Nation, indeed I didn't.  
Q When did you first see John after the war?  
A I can't tell you what year and tell you the truth, and that's what I come for, to tell you the truth.  
Q As a matter of fact you can't tell when he came back after the war?  
A Indeed I can't.  
Q Where has he been living since the war?  
A Up on Lynch's prairie. He told me last summer when he was down that he lived on Lynch's prairie.  
Q Have you seen him every year?  
A Yes sir.  
Q He has never lived down there in your country?  
A No sir, he would come and stay a while with me.

Examined by V. V. Hastings:

- Q Has he ever been married?  
A He's married now.  
Q Who did he marry?  
A He married brother Kinsey Wyckliff's widow.  
Q That's within the last two or three years?  
A Just four years since they married.  
Q Has he ever married before?  
A Never as I know. He would just come and go and said he was out working for his living.  
Q Did you ever hear of him up in Kansas?  
A Well you air, I heard of him up in there. He said he went up there in Kansas somewhere, and come back.  
Q You don't know how long he stayed up there?  
A No sir, I can't tell you and tell the truth, and that's what I come for, to tell you nothing but the truth.

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

- Q What is your name? A Polly Nivins.  
Q How old are you, and what is your post office address?  
A Fort Gibson; am about 56 years old I reckon.  
Q Are you acquainted with the applicant in this case, John Taylor?  
A Yes sir.  
Q How long have you known him?  
A All my life and all his life.  
Q Was that his mother who has just testified?  
A Yes sir, his own mother.  
Q Where was he born? A At Sam Taylor's.  
Q In the Cherokee Nation? A Yes sir.  
Q Illinois District? A Yes sir.  
Q Did you know him during the war? A Yes sir.  
Q Did he leave the nation during the war?  
A No sir, he was around Gibson.  
Q Did you see him continually down there during the war?  
A Yes sir, once in a while I would see him.  
Q What do you mean by that? A I would see him in passing through; like I would see people here today.  
Q Where were you living then? A At Gibson.  
Q Do you know where John has been living since the war?  
A Nowhere in particular; he never has had a home since he left his mother. He says he has got him a home now, but I don't know.  
Q When did you see him last? A Two or three weeks ago.  
Q Where is he living now? A He said he is living up here on some creek.  
Q Was his owner a Cherokee? A Yes sir, Sam Taylor was his owner.

Examined by W. W. Hastings:

- Q When did you first see him after the war?  
A I seen him all along.  
Q Tell me the first time after the war?  
A I can't tell you exactly what time after the war. I saw him shortly after the war, and I saw him naked without any clothes on hardly, and I blowed him up about it.  
Q Was he riding horse back then? A No sir, he was standing on the street at Gibson.  
Q Was he a grown man? A No sir he was a lad of a boy.  
Q How long had the war been closed when you saw him?  
A It was just over, and rations give out up there at Gibson. I said to him "There's one naked nigger", and I said "You never drew no clothes?" and he said no, he didn't want none.  
Q How long before you saw him again?  
A About two years.  
Q Where did you see him then? A At his mother's.  
Q Was he living there? A No sir.  
Q Do you know how long he stayed there? A Yes sir, pretty near all summer, and he wouldn't work, and she made him leave. She wouldn't let anybody stay around her without working; and he wouldn't work and she made him leave.  
Q She made him leave? A Yes sir, she wouldn't let any of them stay if they don't work.  
Q How long before you saw him around Fort Gibson again?  
A I saw him there four or five months after that.  
Q Do you know where he went to from Fort Gibson? A No sir.

- Q How long before you saw him again ?  
A About a year afterwards he came to his mother's.  
Q Where did he come from ? A He said he came from Texas. He was crippled up.  
Q Crippled ? A Yes sir.  
Q Did you go south yourself ? A No sir, I went to the Cherokee Nation and stayed about three weeks and come back.  
Q Who did you come back with ? A Isaac Neighbors. I come right back.  
Q Have you ever known this fellow John Taylor to live down there at Bert Gibson since the war ? A Yes sir.  
Q Who did he live with ? A With his mother, and at my house a heap of times. Anywhere he could get work to do.  
Q His mother knows about it ? A Yes sir.  
Q Was he ever married down there ? A No sir, not that I know of. He is married now, he says.  
Q Do you know where he was married ?  
A Somewhere up on the creek here he said.

-----  
W. W. HASTINGS, being duly sworn, testified as follows:

My name is W. W. Hastings; my age is thirty five. My post office is Tahlequah. I am one of the representatives of the Cherokee Nation, and was in 1896. I want to testify with reference to the reputation of this witness who has just left the stand. I know her reputation for truth and veracity, and know it to be as bad as it possibly can be. I know that it was so regarded in 1896, and know that it is so regarded this year. I know that she testified falsely in a great many cases in 1896, and know that she did this last year; and I do not believe that she is worthy of belief. That's all.

-----  
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 September 2, 1902.

*B. Jones*  
Notary Public.



*John F. Kennedy*

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COMMISSION TO THE PRESIDENT

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., JUNE 16, 1904.

SUPPLEMENTAL PROCEEDINGS HAD IN the matter of the application for the enrollment of JOHN TAYLOR as a Cherokee freedman.

It appears that on May 18, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant appears in person.  
Cherokee Nation by its attorney, L. B. Bell.

MALINDA SMITH, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Malinda Smith.  
Q How old are you? A 75; that's what they tell me, I don't know.  
Q What is your postoffice address? A Fort Gibson, I. T.  
Q You are a Cherokee freedman? A I am for a fact.  
Q You have applied to this Commission for enrollment? A Yes, sir.  
Q With whom were you enrolled by the Commission? A Bob Smith.  
Q Anyone else? A My grandson.  
Q What was his name? A Willie Smith, a little boy I raised from four days old.

Commission: The witness, Malinda Smith, together with her husband, Bob, and her grandson, Willie Smith, appear upon Cherokee freedmen straight card No. 418, and upon the final roll of Cherokee Freedmen approved by the Secretary of the Interior, Nos. 3171, 3172 and 3173.

- Q Are you the mother of the applicant, John Taylor, in this case?  
A I am.  
Q Was John Taylor the slave of a Cherokee citizen before the war?  
A Yes, sir.  
Q Who did he belong to? A Sam Taylor.  
Q The same person that you belonged to? A I didn't belong to him then, but I did; ~~afterwards~~ the time of the first payment of the old settlers she sold me to Ellis Phillips and after that he sold me to Sabin Smith.  
Q Did John Taylor go out of the Cherokee Nation during the war?  
A I expect so; I couldn't tell you; he and his stepfather couldn't agree and he said he was going around to work, and I don't know; he would come and go, and I didn't ask the boy where he went.  
Q He wasn't living with you when the war was going on or had commenced?  
A He come to me at Fort Gibson and was working around.  
Q Before the war he was a child? A He was a lad of a boy, no child.  
Q The testimony of your son given in his original application shows that he was about six years old when the war commenced? A He was when it commenced, but then when the war got up, when he come to Fort Gibson he was older than that, but I don't know how old.

- Q Who was Jehn's father? A His father is dead; he belong to Jim Vann and lived at Beatty's prairie.
- Q What was his name? A Jim Vann.
- Q The father of this child? A Isaac Vann.
- Q When did he die? A Away before the war; I don't know when.
- Q Were you married to him? A Yes, sir.
- Q After his death did Jehn live with you? A Yes, sir, till Taylor's wife sold me, and they kept the children; sold me and kept three children; this boy and two girls.
- Q You don't know then, of your own knowledge, anything about whether or not your son went out of the Nation while the war was going on? A No, sir, he was around, but I don't know what time Jehn went out; I couldn't tell you and tell the truth; I want to tell the truth.
- Q Did his owner go out? A His owner went into the Choctaw Nation.
- Q Did they take Jehn? A They took him and he run away and com etc me at Fort Gibson.
- Q What time was that? A I don't know.
- Q While the war was going on? A Yes, sir.
- Q How long did he stay with you? A All time of the war.
- Q From that time on? A Yes, sir.
- Q Until the close of the war? A Yes, sir, he said he was going to work and him and his stepfather couldn't agree, but I don't know where he went.
- Q When did he leave you again? A Went what time?
- Q Yes. A He stayed till the winding up of the war.
- Q Then where did he go? A I don't know, he cantaccount for himself.
- Q Do you know what year he left you? A No, sir.
- Q Do you know how long after the close of the war it was that he left you? A No, sir, I couldn't tell you and tell the truth.
- Q Do you know whether it was a year, or six months? A I don't know.
- Q When he left the second time, after the war, when did you see him again? A He would go and come.
- Q How long would he be gone? A Sometimes over a year and then he would be back and go again.
- Q Do you know when he finally return to the Cherokee Nation to live? A No, sir, I couldn't tell you and tell the truth.
- Q Auntie, did you ever go out of the Cherokee Nation during the war? A I didn't, my owner, Gabin Smith, would run us to the Choctaw Nation, but then after so long a time fetched us back home; the federals run in there, but they were gone and left me there to take care of the things, and I come here to Fort Gibson with them and have been here ever since.
- Q That while the war was going on? A Yes, sir.
- Q The close of the war found you at Fort Gibson? A Yes, sir.
- Q Have you been there since? A Not right there.
- Q Have you lived in the Cherokee Nation ever since? A Yes, sir, I lived about three miles from Gibson now.
- Q Do you know where your son, Jehn, was in the year 1860 when the 1860 roll was made? A He was in the upper district I reckon, I don't know.
- Q You don't know, then, why his name does not appear on the 1860 roll? A No, sir, he wasn't here, but he was in the upper district. I went to enroll him, but they wouldn't let me put it down.
- Q You don't know anything positive about his residence since he left you directly after the close of the war? A No, sir, he didn't live anywhere, but he would say he was at work.
- Q At the close of the war he was 10 or 12 years old, wasn't he pretty young to be out by himself? A You know how children is; he was young, but if the parents don't treat them right they run off; you know how children is.

Q You can't remember how long after the close of the war it was till John left you? A No, sir.  
Q Have no idea? A No, sir, I never did think this thing would ever come up, that I would have to testify for him, for my children, I didn't give it a thought.

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

By the Commission:

Q What is your name? A John Taylor.  
Q How old are you? A I don't know.  
Q About how old? A I don't know to tell you the fact how old I am.

MALINDA SMITH, recalled:

By the Commission:

Q Do you know how old your son John is? A No, sir.  
Q Have you any idea about how old? A John is about, I reckon, 60 years old.  
Q Do you think he was something like 15 years old at the close of the war? A Yes, sir.

JOHN TAYLOR, recalled:

By the Commission:

Q You are the applicant in this case for enrollment as a Cherokee freedman? A Yes, sir.  
Q Were you the slave of a Cherokee citizen at the beginning of the war? A Yes, sir.  
Q Who did you belong to? A Sam Taylor.  
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.  
Q About what time boy were you and how old at that time? A I don't know, a small boy.  
Q You were plenty large to remember all the details of that trip? A I recollect when they took us off, they had a big gang of us.  
Q Who did you go out of the Nation with? A I think some of Dave Vann's folks; I don't know, I know some of Dave Vann's folks was along; they took a herd of us down on Red River.  
Q When did you first return to the Cherokee Nation? A I came back time the Federals were at Fort Gibson for headquarters.  
Q While the war was going on? A Afterwards it was going on.  
Q How long did you stay there? A Couple of years.  
Q Who did you live with? A With mother a while and then went to herding horses for Quartermaster Thomas.  
Q Where were you when the war closed? A Here in the Nation.  
Q What part? A Don't know just exactly, out here in the Nation; I heard when it was over.  
Q You don't remember just where? A No, sir, I don't.  
Q How long did you stay in the Nation after the close of the war? A After the close of the war I went then with a herd of horses to Fort Scott.  
Q How long after the war? A About a year and we went up there in the Spring and come back; we was gone two or three months with a wagon team by the name of Peck.  
Q Where did you come to? A Fort Gibson.  
Q How long did you stay there then? A I don't know how long I did stay there; it has been a long time; I was little and I have no recollection now hardly.

Q Where did you go next? A I went back to Kansas with a herd of cattle.

Q When was that? A After the war, after peace.

Q About how long after the war? A I just couldn't tell you.

Q Did you ever go out of the Cherokee Nation to live any length of time after the war? A No, sir, I went out with them cattle for Col. Waters and drove them up here above Ottawa, and left them cattle there, and he paid the old boss man and the old man gave us enough money to come back on and we struck a wagon and come on back; we give up his horses and come on back in the wagon.

Q Where were you at the time the 1880 roll was made? A I think I was working on the waterworks in Oswego, I aint sure.

Q When is the last time you were in Kansas? A I just can't tell you.

Q About how long ago? A 25 or 30 years.

Q Have you been in the Cherokee Nation continuously for 25 or 30 years? A Yes, sir.

Q When you were taken out of the Cherokee Nation during the war where did you go to? A When the war was going on?

Q Yes? A We went down on red River in the Choctaw nation.

Q Who did you come back with? A John Ross and Lewis Vann.

Q Do you know where you were in 1866? A I was at Fort Gibson.

Q All that year? A No, sir.

Q Where were you in December, 1866? A I was in Fort Gibson then, I think.

Q Do you know where you were all the year 1867? A No, sir, I don't.

Q Where were you in January, 1867? A I couldn't tell you that, but I was in the Nation then, I think at my sister's.

Q Where were you in February, 1867? A I couldn't tell you that; I can't keep all them numbers in my head.

Q From the close of the war until you were grown where did you make your home? A At mother's.

Q At Fort Gibson? A Yes, sir, till I married and now it is on Lynch's Prairie, where I am living.

Q How many years altogether did you live in Kansas? A I couldn't tell you; I didn't stay there no years; I went there and worked.

Q You said you were working on the water works when the 1880 roll was made? A I said I think I was; I guess.

Q In your testimony in your original application you said it had been 7 or 8 years? A Yes, sir.

Q It has been 23 years since the 1880 roll was made? A Yes, sir.

Q You don't know, then, where you were when the roll was made?

A No, sir.

Q Have you always owned property in the Cherokee Nation? A Yes, sir.

Q Have you ever owned any property in the states? A No, sir.

Q Have you ever voted in the states? A I told them I voted there, but I guess I was mistaken; it was there during a republican rally, and I thought it was an election, when Garrison was running for President.

Q Did you vote for Harrison? A No, sir, I thought it was an election, but it was a Republican rally; I told them I voted, but I have thought about it and think I didn't.

Commission: At the request of the attorneys for the Cherokee Nation this case is continued for further hearing until Friday June 17, 1904. The applicant states that he has no further testimony which he desires to introduce.

June 17, 1904. The taking of further testimony on behalf of the Cherokee Nation continued until June 18, 1904.

June 18, 1904, the Cherokee Nation appearing by its attorneys W. W. Hastings and L. B. Bell, the following testimony was introduced. No appearance on behalf of applicant.

FRANK SMITH, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Frank Smith.  
Q What is your age? A 59 years old.  
Q What is your postoffice address? A Braggs, I. T.  
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Do you know John Taylor who has applied here for enrollment as a Cherokee freedman? A Yes, sir.  
Q How long have you known him? A Ever since he was a boy before the war.  
Q What was his mother's name? A Malinda.

By Mr. Hastings:

- Q Where were you living just after the close of the war? A Three miles south of Fort Gibson.  
Q What time did you return after the war? A Come to Fort Gibson in 1866. X  
Q Do you know this applicant, John Taylor? A Yes, sir.  
Q You state you knew him before the war? A Yes, sir.  
Q Do you know who he belonged to before the war? A Yes, sir.  
Q Who? A Sam Taylor.  
Q How far did you live from Sam Taylor's before the war? A About 10 miles.  
Q Do you know when John Taylor returned to the Cherokee Nation after the war? A Somewhere about 1870.  
Q Were you in Fort Gibson a great deal from 1866 to 1870? A Yes, sir.  
Q Was it a small place? A Yes, sir.  
Q Did you know everybody about there about that time? A Yes, sir.  
Q Did you know where the applicant came from when he returned there?  
A Said he had come from Fort Scott.  
Q Fort Scott, Kansas? A Yes, sir.  
Q Was he there when you got there in 1866? A No, sir.  
Q Come after that time? A Yes, sir.  
Q Do you remember how long after that? A It was about '70 when I first saw him there.  
Q Do you know whether he had just returned from Kansas or how long he had been from Kansas when you first saw him? A He had just returned.  
Q You think it was about '70 when you first saw him? A Yes, sir.  
Q You had known him, you say, before the war? A Yes, sir.  
Q You think it was three or four years after you came before he come? A Yes, sir.  
Q Do you know where he come to? A To his mother's right there in half a mile of home.  
Q What was his mother's name? A Malinda Smith.  
Q She lived in about half a mile of you? A Yes, sir, his mother and Bob Smith, her husband.  
Q You say Malinda married one of your father's colored men? A Yes, sir.  
Q Bob Smith? A Yes, sir.  
Q And he was the applicant's stepfather? A Yes, sir.  
Q And he lived after the war in about half a mile of you? A Yes, sir.  
Q And John Taylor come to this place after he first come back?  
A Yes, sir.

Q Were you living that near to Bob Smith in 1866? A No, sir.  
Q How far were you living from him then? A I had just come back, myself, mother was here in the Creek Nation.  
Q When did you move up there so as to live within that distance?  
A In the fall of 1867.  
Q Did you move in the fall of 1867 within half mile of Bob and Malinda Smith? A Yes, sir.  
Q Was John Taylor there then? A No, sir.  
Q You are positive of that? A Yes, sir.  
Q And this Bob was your father's old slave? A Yes, sir.  
Q And John Taylor returned to his mother from Kansas? A Yes, sir.  
Q And you think that was in '70? A Yes, sir.  
Q But you know it was after you moved there in 1867? A Yes, sir, a good while after we moved up there.

By the Commission:

Q Do you know where the applicant, John Taylor, went during the war?  
A No, sir.  
Q You don't know whether he went north or south? A He went north.  
Q Do you know who he went out with? A No, sir, a good crowd of them run off and went.  
Q You never heard of his leaving gone south at all? A No, sir.  
Q You were not living in the neighborhood of his mother until 1867? A No, sir.  
Q Then if he had been at his mother's house in 1866, would you have known it? A Yes, sir.  
Q You----? A I was at Fort Gibson and was with them and stayed there a good deal and if he had been there I would have seen him.  
Q You were frequently around his mother's place in 1866? A Yes, sir. Bob belonged to my father and Malinda to my uncle and lived right there in Gibson, and I asked him about the children, and he said Pool was in Fort Scott; that was John. The only boy there was named Roswell Mackey; he was the only one there.  
Q About what age boy was John when you first saw him in the Cherokee Nation after the war? A He must have been about 25 or '6; may be older.  
Q That was in 18 and what? A '70; he was older than I was.  
Q About how old is he now? A About 62 or '3 years old.

By Mr. Hastings:

Q This man gives his age when he applied three years ago as 46, how old are you? A 59.  
Q You say he is older than that, is he? A Yes, sir, older than I am.  
Q You say he is older than you are? A Yes, sir.  
Q He is just mistaken, then, is he, about his age? A He certainly must be.

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 reported the proceedings had in the above entitled cause, on the dates mentioned, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the first day of July, 1894.

*H. M. Vance*  
*Charles H. ...*  
Notary Public.

COMMISSIONER TO THE	
No.	Received
	JUN 25 1900



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

In the matter of the application for the enrollment of John Taylor as  
a Cherokee Freedman, P. D. 234.

MOTION FOR REHEARING.

Comes now the applicant and moves the Department to grant him a  
rehearing in this case in order that an opportunity might be afforded  
him to introduce testimony to show that he returned to the Cherokee  
Nation and established his residence therein prior to February 11, 1867

In view of the fact that the Act of Congress approved April 24,  
1866, allows only sixty days within which Motions for rehearing in  
cases of this kind can be filed, we ask that this Motion be filed and  
that we be granted thirty days time within which to file affidavits in  
support of this Motion.

Starr & Patten

ATTORNEYS FOR APPLICANT.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY } 53.  
WESTERN DISTRICT }

J. C. STARR, of lawful age, being first duly sworn, on his oath  
states that he is one of the Attorneys for the applicants in the above  
entitled case and that this Motion is made in good faith, not for the  
purpose of delay but in order that justice may be done.

J. C. Starr

Subscribed and sworn to before me this 25th day of June, A. D., 1906.

James Patten  
NOTARY PUBLIC.

My commission expires December 14, 1906.

70-234

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JUL 26 1906

*[Signature]*  
COMMISSIONER

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

In the matter of the motion for a rehearing of the application of John Taylor for enrollment as a Cherokee freedman.

Reply of the Cherokee Nation.

Comes now the Cherokee Nation and moves to dismiss the motion filed for a rehearing in this case:

First, because the motion purports to have been sworn to by J. C. Starr before Jessie Patten, a Notary Public within and for the western District of the Indian Territory, on the 25th day of June, 1906, whereas the testimony taken in the case of Mary Gamers, W. R. 38, attached hereto, shows that J. C. Starr and Jessie Patten were ~~sue~~ in Vinita, Northern District, Indian Territory, on June 25, 1906, and not in the western District, Indian Territory, upon said date.

Second, there is no affidavit accompanying said motion as required by the Department in its decision of January 19, 1905 in the Gelia Kirkpatrick case (I.T.D. 7744 and 7514-1904), wherein it was held:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

The record in this case shows that the applicant John Taylor first appeared before the Commission to the Five Civilized Tribes at Vinita, I. T., on May 10, 1901, and made application to be enrolled as a freedman citizen of the Cherokee nation and introduced some witnesses in support thereof. The record further shows that on July 10, 1903, the Commission to the Five Civilized Tribes rendered a decision denying the applicants, and the record further shows that this decision was remanded by the Department for further proceedings and on June 16, and June 16, 1904, supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory, and the record further shows that on June 30, 1905, the Commission to the Five Civilized Tribes rendered a second decision denying the applicants. This case has been closely briefed on

both sides heretofore. The Commission in its last decision hereinabove referred to found:

"But after ample opportunity having been afforded it is not established by satisfactory evidence that the applicant John Taylor returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation for the return of Cherokee freedmen to said Nation."

It will be seen that this decision was on June 30, 1905, and it will be observed also that the last testimony was taken on June 16, and June 18, 1904, and that the original application was made at Vinita, I. T., on May 10, 1901, and that the applicant had three years within which to introduce all the testimony he desired and that after the case was remanded he was afforded ample opportunity to introduce testimony and he did introduce his mother. The Department has affirmed the decision of the Commission rejecting the applicant, and in the affirmance used the following language:

"On September 7, 1905, a motion for review of the Commission's decision in this case was filed by the attorneys for the applicant. The attorney for the Nation has also filed a protest on behalf of the Cherokee Nation against the granting of said motion for review.

There appears to be no proper reason for granting said motion and it is therefore denied. You recommend the approval of the Commission's decision adverse to the applicant. The decision is considered correct and the application of John Taylor for enrollment as a Cherokee freedman is hereby denied."

Having briefed the case heretofore and giving our reasons why we did not believe the case was meritorious and why the application for the enrollment of the applicant should be denied, we deem it now unnecessary to again go into the questions of fact inasmuch as he has been twice denied by the Commission to the Five Civilized Tribes and inasmuch as the case was once remanded and the testimony taken a second time in the case, and inasmuch as after the second, a motion for a new trial was made on behalf of applicant and that overruled by the Department, we submit that every opportunity has been given this applicant if he had a meritorious case to properly present it to the Commission.

In view of this record in this case and in view of the fact that no affidavits are attached to this motion for a rehearing we invite the attention of the Department to pass judgment upon the facts attached to

the motion for rehearing wherein the attorney for applicant says:

"This motion is made in good faith, not for the purposes of delay, but in order that justice may be done."

Respectfully submitted,

*N. W. Hastings*  
Attorney for the Cherokee Nation.

COMMISSIONER OF THE GENERAL LAND OFFICE  
DEPARTMENT OF THE INTERIOR

other cases and we now earnestly object to this method of procedure on part of the Attorney for the Cherokee Nation because it is manifestly proven on the face of the so-called "Reply of the Cherokee Nation" that his method is resorted to to secure a prejudice against the attorneys or the applicants and the cause of the applicants herein, and we therefore move that the same be stricken from the record in this case.

Respectfully,

Starn & Patton

ATTORNEYS FOR APPLICANTS.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Motion for a rehearing of the application of John Taylor for enrollment as a Cherokee Freedman.

NOTION.

Comes now the applicants and move to strike from the records the testimony taken in the case of Mary Sanders, Cherokee Freedman R. 38, et al. which has been attached to 'The Reply of the Cherokee Nation' in this case, for the reason that the Attorney for the Cherokee Nation seeks to bring into this case the testimony from an entirely different case and make it a part of the record in this case.

That said record can have no bearing upon this case and the mere conclusion of the Attorney for the Cherokee Nation that the Motion for rehearing has not been sworn to is not supported by any reference to Law and is only the statement of the Attorney for the Cherokee Nation and his opinion upon points of this kind without showing any Law to support it is not any better than the opinion of any one else. It is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the Attorneys for applicants and against applicants in these cases and is in direct violation of the rule laid down by the Honorable Secretary of the Interior in Departmental letter of May 21, 1906 (D.O. 20734; I.T.B. 2242-1906; 4590-1906; 3837-1906; 9554-1906) in the matter of the Cherokee Freedmen Enrollment of Catherine Mix wherein the Department held "It is observed that the testimony taken in certain other cases was appended to the record herein and made a part of the same, contrary to the objection of counsel for the applicants. While this action of the Commission is not considered proper in view of such objection, the additional testimony has not been considered in so much as the testimony submitted by and on behalf of the principal applicant is of itself sufficient to warrant the conclusion;

which the Department has reached in the matter".

Briefs submitted by counsel for the applicants and for the Nation have been considered. It is found that the Brief submitted on behalf of the applicants was supported by affidavits. In-as-much as new testimony can be properly introduced only for the purpose of securing a rehearing, these affidavits have not been considered in connection with said Motion, which was designed merely to secure a review of the Decision of the Commission to the Five Civilized Tribes".

It will be noticed that the so-called "Reply of the Cherokee Nation" has all of this testimony attached to it and the Attorney for the Nation evidently wants to have same considered by the Department. When this testimony in the Mary Sander's case was taken, the Attorney for the Nation asked for a rule on us to see where we were on June 13th and on June 25th and whether or not Jessie Patten was a Notary Public for the Northern District of the Indian Territory. We appeared at Muskogee at the request of the Honorable Commissioner to the Five Civilized Tribes and consented to give our testimony in the Mary Sanders case and we stated that Jessie Patten was not a Notary Public for the Northern District of the Indian Territory but that she was a Notary Public for the Western District of the Indian Territory, and that as such Notary Public certain affidavits were sworn to before her in Vinita, Northern District of the Indian Territory. The Attorney for the Cherokee Nation, without looking up the law, has jumped at the conclusion that said affidavits are void and we have filed our Brief in that case stating our position with reference to said affidavits, and on that same legal proposition we will file our Brief in this case.

This ~~is~~ attempted on the part of the Attorney for the Cherokee Nation is in conflict with the ruling of the Department in Departmental letter dated June 20, 1906 (D.C. 25968; I.T.D. 6190-1903; 8700-1904;) in the Cherokee Freedmen Enrollment case of Payton Martin, et al., in which the Department held "A re-consideration of the record in this case shows that on the original hearing five witnesses were examined by the Attorneys for applicants and subjected to cross-examination by the Attorney for the Nation. Opposed to this showing there is attached to



the record the testimony of E. J. Clayton as taken in the Heatie Martin case. It does not appear that this testimony is filed with the consent of the Attorneys for the applicants, and in the argument submitted by them they state that their consent was not given."

"Since the hearing certain affidavits have been filed in behalf of the applicants".

"It is not the policy of the Department to consider ~~affidavits~~ evidence in citizenship cases submitted in this form, as it is manifestly unfair to the Nation and against the rules of evidence. In this case it is apparent that the evidence of E. J. Clayton, taken in another case and without opportunity of cross examination by applicants' Attorneys is subject to the same criticism as the affidavits submitted by the applicant".

"The Department cannot in justice be expected to adjudicate a case on such affidavits on behalf of the Nation. In regard to the cross examination of witnesses and the injection of testimony from other cases into the case under consideration your attention is called to Departmental letter of December 7, 1905, in the application for the enrollment of Dochee, deceased, as a citizen by blood of the Creek Nation, and also to Departmental letter of May 21, 1906 relative to the application of Catherine Mix for her enrollment as a Cherokee Freedman. As the objections to this testimony were made in the argument submitted, the Nation should be permitted to introduce their evidence in the premises."

"The Departmental Decision of September 22, 1905, in this case is hereby rescinded, and the case is remanded for a further hearing. You are instructed to permit the applicants and the Attorney for the Nation to present such proper evidence as they see fit on the matter of the rights of these applicants to enrollment as Cherokee Freedmen."

It is clear therefore that the Attorney for the nation has violated the plain rule laid down by the Department when he filed with this case all of the testimony taken on July 12, 1906 in the matter of the application for the enrollment of Mary Sanders, et al. as Cherokee Freedmen. This testimony has no place in this record and we objected at the time to testimony being taken in the Mary Sanders case with reference to

other cases and we now earnestly object to this method of procedure on part of the Attorney for the Cherokee Nation because it is plainly proven on the face of the so-called "Reply of the Cherokee Nation" that his method is resorted to to secure a prejudice against the Attorneys or the applicants and the cause of the applicants herein, and we therefore move that the same be stricken from the records in this case.

Respectfully,

Starr & Patten

ATTORNEYS FOR APPLICANTS.

30.234

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE SIVELI JILAM TRIBES

FILED

AUG 16 1906

*[Signature]*

AUG 16 1906

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

In the matter of the application for the enrollment of John Taylor for enrollment as a Cherokee freedman, F. D. 234.

Reply of the Cherokee Nation  
to Motion to Strike from the records filed by Attorneys for Applicants on  
August 8, 1906.

The record in this case shows that an alleged motion to reopen was signed by Starr & Patten as attorneys for applicants, that they attempted to swear to the same before Jessie Patten, signing herself as a Notary Public on the 25th day of June, 1906, that said motion did not state upon its face where the said J. C. Starr of the firm of Starr & Patten, was when he attempted to swear to the same, nor where the said Jessie Patten was when she attempted to swear the said J. C. Starr to said alleged motion to reopen, and this information being peculiarly within the knowledge of the said J. C. Starr and Guy Patten and their stenographer and Notary, Jessie Patten, on July 7, 1906, a motion for a rule on the attorneys for applicants was made before the Commissioner to the Five Civilized Tribes, service having been accepted by Guy Patten of the firm of Starr & Patten, asking them to appear before the Commissioner on the 18th day of July, 1906, and give information as to their whereabouts on the 13th day of June, 1906, and the 25th day of June, 1906, and as to whether or not Jessie Patten was a Notary Public within and for the Northern District of the Indian Territory, upon either of those dates, or upon any date previous to June 25, 1906. Said motion for rule was in words and figures as follows, to-wit:

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

In the matter of the alleged motion for a rehearing of the application for the enrollment of Mary Sanders, F. D. 32, and James Scott, et al. F. D. 157, as Cherokee freedmen.

Motion for Rule on Attorneys for Applicants.

Comes now W. V. Hastings, attorney for the Cherokee Nation, and respectfully shows to the Commissioner to the Five Civilized Tribes that an alleged copy of a motion for a rehearing in the above entitled Cherokee freedmen cases was received by him on the 18th day of June, 1906; that said motion was signed by the firm of Starr & Patten as attorneys for applicants, said firm being composed of J. C. Starr and Guy Patten,

both of Vinita, Northern District, Indian Territory; that said motion was alleged to have been sworn to by J. C. Starr on the 13th day of June, 1906, before Jessie Patten, Notary Public, that the jurat does not state where said J. C. Starr was when said oath was alleged to have been made. Attached to the alleged motion are copies of what purport to be affidavits made by Eliza Tucker and Chlora Foreman in support of said motion alleged to have been subscribed and sworn to before Jessie Patten, Notary Public on the 13th day of June, 1906. It is further represented to the Commissioner to the Five Civilized Tribes that your petitioner, W. W. Hastings, attorney for the Cherokee Nation, is reliably informed and believes, and so believing, charges that J. C. Starr was in the town of Vinita, Northern District, Indian Territory, on the 13th day of June, 1906, and that Jessie Patten, claiming to be a Notary Public, was also in Vinita, Northern District, Indian Territory, when she attempted to swear the said J. C. Starr to the alleged motion filed herein, and not in the Western District, Indian Territory, and that both Eliza Tucker and Chlora Foreman were at Vinita, Northern District, Indian Territory, on the same date, and not in the Western District, Indian Territory, when the said Jessie Patten attempted to swear each of said affidavits to the affidavits attached to the motion and in support of the information, knowledge and belief which your petitioner has to the effect that all of said parties were at Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, on the 13th day of June, 1906, there is hereto appended an affidavit made by the said Chlora Foreman in which it is recited that the affidavit hereinabove referred to was made at Vinita, Northern District, Indian Territory.

Your petitioner further alleges that this same firm of attorneys served what purport to be copies of motions in numerous cases upon your petitioner on the 13th day of June, 1906, that all of said motions are alleged to have been sworn to before this same Jessie Patten on the 25th day of June, 1906, and mailed from Vinita, Indian Territory, by registered mail on the morning of that day. Your petitioner states upon knowledge, information and belief, and so believing, charges that Jessie Patten was not a Notary Public of the Northern District of the Indian Territory on June 25, 1906, or any date previous to that; that on June 25, 1906, she was at Vinita, Northern District, Indian Territory, as was J. C. Starr, and that her attempts to swear said J. C. Starr or any other witness to alleged motions for rehearing or affidavits, were null and void.

Your petitioner further alleges that the facts of the whereabouts of the said J. C. Starr and Guy Patten and the said Jessie Patten on the 13th day of June, 1906, and the 25th day of June, 1906, and as to whether or not the said Jessie Patten was a Notary Public within and for the Northern District of the Indian Territory upon either of these dates is peculiarly within their knowledge.

Wherefore, Petitioner asks the Commissioner to the Five Civilized Tribes for a rule upon the said firm of Starr & Patten, composed of J. C. Starr and Guy Patten to appear before the Commissioner to the Five Civilized Tribes on the 15th day of July, 1906, and disclose to the Commissioner to the Five Civilized Tribes where they and each of them were on the 13th day of June, 1906, and the 25th day of June, 1906, and if they were within the limits of the Northern District of the Indian Territory, whether or not the said Jessie Patten was a Notary Public upon those dates within and for the Northern District of the Indian Territory.

W. W. Hastings,

Attorney for the Cherokee Nation.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) ss.  
WESTERN DISTRICT. )

W. W. Hastings, being first duly sworn states that he is the attorney for the Cherokee Nation; that the facts set forth in the above motion are true as he verily believes, that he knows of his own personal knowledge that the firm of Starr & Patten, composed of J. C. Starr and Guy Patten, are residing and doing business at Vinita, Indian Territory, that he is informed and believes the other facts set forth in the above motion are true.

W. W. Hastings.

Subscribed and sworn to before me on this the 7th day of July, 1906.

My Com. Exp. 1-2-1910.

Edward J. Miller, Notary Public.

By referring to the aforesaid motion it will be seen that the attorney for the Cherokee Nation alleged that he was reliably informed, and being so informed, charged that both on the 13th day of June, 1906, and on the 20th day of June, 1906, J. C. Starr and Guy Patten, composed the firm of Starr & Patten, and were in the Town of Vinita, Northern District, Indian Territory, and that Jessie Patten was also in said Town of Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, and therefore not authorized to administer an oath in Vinita, Northern District, Indian Territory, and her attempt to administer the oath of J. C. Starr to the motions for rehearing were null and void, and the attorney for the Cherokee Nation further alleged that this knowledge being peculiarly within the information of the said Starr & Patten they were asked to appear upon that date and to give information as to their whereabouts and also as to the whereabouts of the said Jessie Patten and as to whether or not she was a Notary within and for the Northern District of the Indian Territory. The records further show that all three did appear and were sworn and J. C. Starr testified that he was 26 years of age and a member of the firm of Starr & Patten, and upon being asked:

"Q. Are you willing to state as to your whereabouts on June 23, 1906, and whether or not it was Jessie Patten is a Notary Public within the Northern District of the Indian Territory?" He answered, "I am."

"Q. Where were you on that date? A I was in Vinita, Indian Territory."

"Q. Were the affidavits referred to in the motion of the attorney for the Cherokee Nation signed by you at Vinita? A Yes sir."

"Q. Is Jessie Patten a Notary Public for the Northern District of the Indian Territory? A She is not; she is a Notary Public for the Western District of the Indian Territory."

"Q. Were the affidavits signed by you in the Northern District of the Indian Territory? A Yes sir."

He afterwards testified upon direct examination that Jessie Patten was a stenographer in his office and had been working there then about two months which would date it back to about the 13th of May, 1906.

Guy Patten took the stand and testified in substance to the same that J. C. Starr testified to.

Jessie Patten was called to the stand and she testified and was cross-examined by Mr. Patten. The result of the inquiry established that both on June 13th and June 20th, 1906, as well as other dates all three parties named, Starr & Patten and Jessie Patten, a Notary, were in Vinita,

Northern District, Indian Territory, and not in the Western District, where they attempted to have affidavits made before Jessie Patten as their Notary. These affidavits were taken at the instance and at the suggestion and by the direction of the said J. G. Starr & Guy Patten. Reference is made to the testimony which is attached to our reply brief in this case.

It is complained on behalf of the attorneys Starr & Patten in their motion to strike from the record the testimony attached to our reply brief that "it is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the attorneys for applicants." We do not understand why such a charge would be made if no wrong had been committed, if they were entitled to be sworn at Vinita, if Jessie Patten were a Notary Public within and for the Northern District, then how could a prejudice be created against the attorneys for applicants. No prejudice can be created against attorneys by calling attention to legitimate practices, and if the practices are illegitimate it is our duty as the attorney for the Cherokee Nation and its representative, regardless of consequences, to invite the attention of the Commissioner to the Five Civilized Tribes and of the Department to it, and we being informed as we stated in our motion for a rule that the jurats not advising the commissioner to the Five Civilized Tribes where the affidavits were taken that it was our duty to have the matter investigated to see whether or not they were really taken within the jurisdiction of the Notary Public, namely, within the Western District of the Indian Territory, for which she was appointed. If these affidavits had really been taken within the Western District, certainly you would never have heard any protest from Starr & Patten now that prejudice was attempted to be created as against them, because none could have been created against them. They cite the decision of the Department in the case of Catherine Mix, wherein the Department held that testimony should not be thrown from another case into that case, and they also cite the case of Peyton Martin, F. D. 304, in which the Department held that the testimony of H. J. Clayton should not be thrown from another case into that one. But lets examine the cases a little more critically and see why the Department an-

held. In the Payton Martin case the Department held:

"In this case it is apparent that the evidence of E. J. Clayton taken in another case and without opportunity of cross-examination by applicants' attorneys, is subject to the same criticism as the affidavits submitted by the applicants."

Note, will you, that the objection was that the attorneys for applicants were not given the opportunity to cross-examine E. J. Clayton and that was the objection urged by the Department to throwing the testimony of E. J. Clayton from some other case over into the Payton Martin case. But lets examine the motion before us. Not only did the firm of Starr & Patten have the opportunity to cross-examine the witnesses, J. C. Starr & Guy Patten and Jessie Patten on July 12, 1906, but they were the identical witnesses themselves and they were present themselves and therefore the objection that they were without opportunity to cross-examine themselves and to cross-examine Jessie Patten cannot be urged in this case, and that is the only objection that the Department had either in the Catherine Nix case or the Payton Martin case to the introduction of the testimony was that the attorneys were without opportunity to cross-examine the witnesses who gave the evidence which was thrown into that case. In other words, so far as that case was concerned it was ex parte and so far as these lawyers representing Catherine Nix and Payton Martin were concerned it was ex parte. But in this case J. C. Starr and Guy Patten are estopped by their own oaths from saying that they did not speak the truth, each of them practically swore to the same thing, and they are corroborated by Jessie Patten, namely, to the effect that each of them was in Vinita, on June 15th and June 25, 1906, when they attempted to make the affidavits to the several motions filed upon those respective dates. Why would it have been necessary to have taken their testimony in each separate case? They were notified in the motion for a rule that their whereabouts on those respective dates was desired and that that was going to be inquired into, and furthermore that it was going to be inquired into as to where Jessie Patten was and as to whether or not she at any time previous to June 25, 1906, was ever a Notary Public within and for the Northern District of the Indian Territory. The attorneys complain that the attorney



for the Cherokee Nation has jumped at the conclusion that these affidavits are void, that were attempted to be sworn to before a Notary public appointed for the Western District, but sworn to in the Northern District of the Indian Territory. Certainly we urge that they were void, and we have filed a brief in the Mary Sanders case, setting up that fact, but we think really that no brief was necessary to be filed, because the attorneys themselves practically admit that they were void by attempting to have them retaken in every single case; they admit that they are void by saying that we are attempting to create prejudice against them, because we could not create prejudice against them if their acts were legitimate; they admit that they were void because in their brief they cite an act of the Arkansas Legislature approved April 4, 1901, which extends the territorial jurisdiction of a Notary Public to the entire State, which shows that if the Notary had previous to that time had jurisdiction to administer an oath all over the State, although appointed for a single county, then there would have been no need of the Legislature of Arkansas passing the act approved April 4, 1901, and cited in counsel's brief. Not content however with our own conclusion we cited the case of Commonwealth versus Schwieters, decided by the Court of Appeals of Kentucky May 15, 1906, it being a case wherein the defendant was being tried for perjury, he having been sworn before a Notary Public who was outside the county for which he was appointed at the time he attempted to administer the oath, wherein the court held:

"If Clarence E. Walker was not a notary public in the city of Louisville then the defendant was not sworn before a notary public for the authority of a notary public is confined to the limits designated in the commission of the governor on making the appointment. He has no authority to act outside of those limits and anything done by him outside of them is done as a private person and not as a notary public.....If Walker was not then and there a notary public he was not sworn before a notary public, but before a private person.....The charge that the act was done before a notary public must mean that the person before whom it was done was then and there a notary public. An officer does not carry his official character with him beyond his bailiwick, but stands there only as a private person."

We submit, therefore, that the motion for a rule filed on July 7, 1906, citing the members of the firm of Gary & Patton on July 12, 1906, was sufficiently definite to apprise them that their whereabouts was going

to be inquired into up to and including June 28, 1906, and that they being present and they themselves being witnesses, with the opportunity to examine and cross-examine themselves, and with the opportunity to cross-examine Jessie Patten, their own stenographer and Notary, that they are estopped from complaining that this testimony was taken to their prejudice, because they were under oath, presumed to speak the truth, and the truth is not presumed to prejudice any one, and they having had opportunity to cross-examine themselves, and they being advised as to the intended scope of the examination, we submit that the motion to strike out in this case should be overruled, because the record shows that each of the alleged motions were attempted to be sworn to on June 28, 1906.

Respectfully submitted,

*W. W. Hastings*

Attorney for the Cherokee Nation.



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

In the matter of the application for the enrollment of John Taylor  
as a Cherokee Freedman.

IIII.

In view of the fact that the Attorneys for the Cherokee Nation took occasion to raise technical objections to our original Motion for a rehearing in the above entitled cause on the question of one of the Attorneys for applicants signing as a witness to the mark and where the party making the affidavit signs by mark and because the affidavit in support of said Motion was acknowledged in the Northern District of the Indian Territory before Miss Jessie Batten, a Notary Public for the Western District of the Indian Territory, we have subsequently filed an Amended Motion for rehearing in this case and have caused our affidavits to be re-written and sworn to by the Principal applicant.

While we had no objections to meeting the technical objections of the Attorney for the Cherokee Nation touching the validity of affidavits made before a Notary Public of the Western District of the Indian Territory and acting in the Northern District of the Indian Territory, yet, in order that we be not understood as conceding that said affidavits were void because the Notary Public who took them was without the District of her appointment, we respectfully submit that our contention is and always has been that the original affidavit in support of said Motion for a new trial which was sworn to before Jessie Batten in Vinita, Northern District, Indian Territory while being a Notary Public for the Western District, were under the laws in force in the Indian Territory valid. In support of our contention we respectfully submit that, under the laws in force in the Indian Territory the power and authority of a Notary Public to administer oaths is co-extensive with the State, and in view of the Indian Territory, in this

case there is no question, nor is it controverted that Miss Jessie Patten was a duly appointed Notary Public having been appointed by the United States Court in the Western District of the Indian Territory and that she was at that time and always has been a resident of the Western District of the Indian Territory, the District of her appointment, since said appointment; that the affidavits in question in this case were taken by her without the Western District we admit. These points being conceded, the only question before us is as to whether or no said affidavits were void. The Office of Notaries Public is of great antiquity, deriving its origin from the early Roman Jurisprudence, and has for many centuries been recognized by most, if not all, of the Christian Nations. This Office is known to International Law, to the Common Law, being concerned more especially with the Law-Merchants branch, and to the Civil Law. A Notary Public is generally defined as "an officer whose function it is to attest and certify, by his hand and official seal, various instruments in order to give them authenticity in other jurisdictions, and is usually an officer appointed by the executive or other appointing power under the laws of the State", Bouv. Law Dictionary, Title: "Notary", page 814. In England this office existed before the Conquest (1066) and under the Common Law was always recognized as a public office, and being such every presumption is indulged in by the Common Law in the absence of Statutes of a broad jurisdiction. In most of the States Notaries Public are appointed by the Governor alone; in others by the Governor, by and with the advice of his Council; in others by and with the advice and consent of the Senate. In most all of the States of the United States the office of Notaries Public is recognized as a public office; See *Bettman v. Warwick*, 108 Fed. Rep. 48; *Britten v. Nicolls*, 104 U. S. 757. In Alabama this office is recognized as a public office. See *Governer v. Gordon*, 18 Ala., page 72; See *Smith v. Mander*, 74 Ga. 416; *Trenton Loan etc. Co. v. Barrall*, 19 Ind. Appeal, Ind. Att. 400; *Spegal v. Hrag- Raymond Co.*, 21 Ind. Appeal, 208. This Office is also recognized as a public office in Iowa, Louisiana, Massachusetts, Missouri, Nebraska, New York, Nevada, Pennsylvania, Tennessee, Canada and many other states. See American and English Encyclopaedia of Law,

Second Edition, Vol. 21, page 585.

In the United States reference must be had to the Constitutional and Statutory Provisions of the various States to determine by whom and in what manner the appointment of a Notary Public is made. By reference to Section 4764 of Mansfield's Digest of the Laws of Arkansas, Chapter 88, we find the following Provision:- "The Governor may appoint a convenient number of Notaries Public for each County, who shall be citizens of the County for which they are appointed, and who shall file in the office of the Recorder of Deeds for the County a Bond to the State, for the faithful discharge of their duties, in the sum of \$1000.00 with security, to be approved by the Clerk of the Circuit Court of the County, and who shall hold office for the term of four years". Section 4765 of Mansfield's Dig. of this same chapter provides that "Each Notary Public shall have power to, administer oaths in all matters incident and belonging to the exercise of his Notarial Office". His power is further extended by Section 4766 of this same chapter wherein he is empowered in the language of the Statute "to take the proof or acknowledgment of all instruments of writing relating to commerce and navigation, receive and authenticate acknowledgments of deeds, letters of attorney, and other instruments of writing, make declarations and protests, and certify under his official seal the truth of all matters and things done by virtue of his office".

Other than the foregoing there is nothing in the Statutes of Arkansas which tends to broaden or limit the powers of Notaries Public nor is there any provision in said Statutes which limits their authority to administer oaths to the county of their appointment. It will be noticed by reference to the above noted Sections of the Statutes that the power of appointment of Notaries Public rests with the Governor of the State. Under the Act of Congress, entitled "An Act to provide a temporary Government for the Territory of Oklahoma and to enlarge the jurisdiction of the United States Courts in the Indian Territory, and for other purposes", approved May 2, 1906 (U. S. Stat. at Large, Vol. 34, Chap. 182, page 61), Section 21 of said Act provided that certain general laws of the State of Arkansas in force at the close of the General Assembly of that State in 1905 as

published in 1884 in Mansfield's Digest of the Statutes of Arkansas shall be put in force in the Indian Territory". Among these Sections enumerated in the Chapter relating to Notaries Public and it is further provided in said Act that "Said Court in the Indian Territory shall appoint Notaries Public under this chapter". By reference to the Act of March 1, 1890, entitled "An Act establishing a United States Court in the Indian Territory", U. S. Stat. at Large, Vol. 25, Chapter 333, page 783. And by reference to all of the Acts of Congress relative to the United States Court in the Indian Territory, it will be seen that in contemplation of law there is none but one United States Court in the Indian Territory, and that the Acts passed subsequent to the Act of 1859 which established the original Court in the Indian Territory have only operated to enlarge the jurisdiction of that Court and to provide for additional Judges. By reference to the aforesaid Act of 1890 it will be seen that the United States Court in the Indian Territory exercises the same power in the appointments of Notaries Public as does the Governor of Arkansas.

The question then before us is as to whether or not a Notary Public appointed by the Governor of Arkansas or by the United States Court in the Indian Territory has authority to administer oaths only within the County or District for which he is appointed or whether his jurisdiction is co-extensive with the State. We have been unable to find any Decisions of the Supreme Court of Arkansas touching upon the question in issue directly and are left largely to the comparison of similar Statutes in other States and the construction of their Courts upon them. In our statutes defining the power of Notaries Public to administer oaths and take depositions it will be seen that there is no limitation placed upon them confining them to act within their County, but simply the broad Provision, to-wit:- "Each Notary Public shall have power to administer oaths in all matters incident to or belonging to the exercise of his notarial office".

In a great number of States under a similar Provision and in many identically the same, it is held that the jurisdiction of a Notary Public to administer oaths is co-extensive with the State.

See: *Guertin v. Mombloom*, 144 Ill. 28; *Sullivan v. Hall*, 86 Mich. 7; *Davey v. Ruffell*, 162, Pa., Sr. 445, affirming 14 Pa. Co. Ct. 273; *Maxwell v. Hartmann*, 50 Wis. 660. See also Gen. Stat. Conn. (1888), §288; *Horner's Annot. Stat. Ind.* (1896), §2962; Pub. Gen. Laws Md. (1888), art. 68, §6; Stat. Minn. (1894) §2271; Rev. Codes N. Dak. (1895) §462; *Hills Annot. Laws Oregon* (1892), §2317; Civ. Stat. S. Car. (1893) §578; Stat. Vt. (1894), §2963; *Ball. Annot. Codes & Stat. Wash.* (1897) §§ 246-248.

An examination of the reports of the States which held that a Notary's jurisdiction to administer oaths is confined to the County of their appointment will show that either one of two conditions existed, that is, that the Statutes of that State expressly limited their jurisdiction to the County of their appointment or that such States are those which were originally a part of the Louisiana Purchase and in which the Common Law of England is not presumed to exist in the absence of the Statutory Provisions expressly accepting it. In the case of *Barhyet v. Alexander*, 59 Mo. Appeal, 188 and also in the case of *Silver v. Kansas City Railroad Co.*, 21 Mo. Appeal 5, in a somewhat similar statute defining the authority of a Notary Public to administer oaths, it was held that their jurisdiction was confined to the County of their appointment, but this was so held for the reason that Missouri was originally a part of the Louisiana Purchase and that the Common Law presumption that the Notary's jurisdiction is co-extensive with the State, in the absence of the Statute limiting it to the County was not to be indulged in in that State. This same Decision was taken in Iowa for the same reason. In Illinois, under a statute similar to the one in force in Arkansas and which has been adopted in the Indian Territory, it is held that a Notary Public's jurisdiction to administer oaths is co-extensive with the State and that although a Notary Public must be appointed and have his residence in a particular County, yet he is competent to administer oaths and take affidavits and depositions anywhere in the State. It will be remembered that the State of Illinois was originally a part of the Louisiana Purchase as was also the State of Arkansas, but in Illinois by an



press Statutory Provisions the Common Law of England is to be in force on all questions in the absence of Statutes to the contrary. In this connection we would call attention to Chapter 20 of Mansfield's Digest Sections 566 and 567 in which it is provided "that the Common Law of England so far as the same is applicable and of a general nature, and all Statutes of the British Parliament in aid of or to supply the defects of the Common Law made prior to the Fourth Year of James the First (that are applicable to our own form of Government) of a general nature and not local to that Kingdom, and not inconsistent with the Constitution and the Laws of the United States or the Constitution and Laws of this state shall be the rule of Decision in this State unless altered or repealed by the General Assembly of this State". This Section of the Laws of Arkansas was put in force in the Indian Territory by the Act of May 2, 1890 above referred to.

So far then as the power and authority of a Notary Public of administering oaths and taking depositions in the Indian Territory is defined by law there seems to be no question but that the status of it succinctly stated is this:- 'They have been given power to administer oaths in all matters incident to or belonging to the exercise of their notarial office without any restrictions being placed upon them confining their acts in this regard to the County of their appointment; that they derive their authority and jurisdiction from the Governor of the State, and in the Indian Territory from the United States Court, unrestricted as to jurisdiction; that the Common Law construction of the statute so broad in language is to be adopted in construing the Notary's jurisdiction in this State because although Arkansas, being originally a part of the Louisiana Purchase, has put in force in her State the Common Law of England in the absence of Statutes upon a subject, as above cited, and this same Section of Mansfield's Digest, Section 566, was adopted and put in force in the Indian Territory by the Act of May 2, 1890 (U. S. Stat. at Large, Vol. 26, page 121 of Chapter 122). It seems well settled by the weight of authority that in the other states whose decisions have been cited in which the Common Law construction of a Notary Public's jurisdiction

is in force and whose statutes relative to the Notary's power to administer oaths are similar to those of Arkansas, that in every instance their jurisdiction is construed to be co-extensive with the State.

It is true that under the statutes in force in Arkansas, as it is in every State in the Union we might safely say, that a Notary Public must be a resident of the County of his appointment; that such residence is one of the necessary qualifications, but we also think that while he must be a resident of the County of his appointment, yet such requirement does not limit his jurisdiction to administer oaths in other Counties unless such jurisdiction is expressly limited to the County of his appointment by Statutory Provision. In Illinois it has been held that an affidavit taken by a Notary Public to be used in his own County need not even bear the official seal. See Schaefer v. Kiensel, 123 Ill.,<sup>430</sup> Dyer v. Flint, 21 Ill., 80; Stout v. Slattry, 12 Ill., 162; but the same Court in construing the last named case went still farther and said that if an affidavit was to be used outside that County, his Official character must be shown either by his seal or in some other way. It was held in the case of Sullivan v. Hall, 86 Mich., 7, and in the case of Perkins v. Collins, 3 N. J. Eq., 482, wherein the venue was State of N. J., ss., that where the officer's authority to administer oaths is co-extensive with the State, it is not necessary for the affidavit to show at what place in the State it was taken.

In the broad language in force in this jurisdiction which creates the office of Notaries Public it seems to be plain that since he is appointed and receives his authority from the Governor of the State, or in the Indian Territory, from the United States Court, that under the accepted definitions, a Notary Public in the Indian Territory is a State Officer. In a popular sense a State Officer may be defined as one whose jurisdiction is co-extensive with the State: See State v. Becker, 39 Fla. 677; State v. Dillon, 99 Mo., 299; State v. Higgins, 144 Mo., 418 in a more enlarged sense a State Officer is one who receives his authority under the laws of the State and performs some of the governmental functions of the State; See State v.

Bus, 135 Mo. 325; see also Garner v. St. Louis, 37 Mo., 554; People v. Court, Gen. Sess., 13 Hun., N. Y., 395; that a Notary Public is a State Officer, see Kirksey v. Bates, 7 Port. (Ala.), 529; Matter of Notaries Public, see 8 Hawaii, 561.

Perhaps the clearest opinion in line with the question in issue in this Brief is the case of Michael Sullivan v. Edmund Hall, 13 I.R.A., 556. In this case was discussed by the Court, practically the same question under consideration. Under the laws in force in Michigan, the appointment, qualifications, and the jurisdiction of a Notary Public was almost identically the same as those in force as above set forth in the State of Arkansas and which have been adopted by the Act. of 1890 and put in force in the Indian Territory. Section 532, How. Stat. of Mich. provides that the certificate of the Notary Public from under his hand and seal shall be presumptive evidence of the facts contained in it, as right to that office comes from an appointment by the Governor of the State, and his compliance with the requirements of the Statutes in filing Oath, bond, etc., (Act. No. 117, Public Acts, 1887). In this case an objection was raised to the validity of an affidavit because the Notary Public did not state in the jurat the County in which he acts as such officer. The Court in passing upon this question says: "A Notary Public is in no sense a County Officer. The Governor, by and with the advice and consent of the Senate may appoint one or more persons as Notary Public in each County, who shall hold their office, etc." Act. No. 117, Public Acts, 1887. While it is very proper that a Notary Public should sign himself as a Notary Public in and for the County from which he is appointed, yet his certificate would not be defective if the designation of the County is omitted. He may act in any part of the State and his official acts are not confined to the County where he resides. It is further shown that in the Amending Act of 1889 (Act 74, Public Acts, 1889) no person is eligible to the office of Notary Public unless the person is a resident of the County of which he or she desires to be appointed, but that official acts are not necessarily confined to that County. The Office would undoubtedly become vacant by the removal from that County but it does not follow that for this reason that the party is a County Officer.

The appointment has always been regarded as a State Matter rather than that of County. It is a State appointment and the omission of the venue would not be a fatal defect in the jurat. It cannot matter to the public to be affected by such certificates, from what particular County the Notary Public was appointed. In legal phraseology "VENUE" means the County where a case is to be tried and, originally, a venue was employed to indicate the County from which the jury was to come.

The necessity of stating a venue at all is reluctantly fixed by the authorities. See *Bean v. Ayers*, 67 Mo. 407; *Bridges v. Nantucket Bank*, 5 Mass. 98.

In view of the status of the law in this jurisdiction which has given to Notaries Public, the power of swearing witnesses and taking depositions by a provision, general in its terms confining their acts to no particular County or District for which they are appointed, and in view of the fact that there is no statute which confines their acts in this regard to the County of their appointment, as there is almost invariable in the States which hold that they can exercise this power only in the County for which they are appointed, and in view of the almost unanimous weight of authority, that a Notary Public is a State and a Public Officer, and at Common Law every presumption is indulged in in favor of the jurisdiction of a Public Officer with the Common Law in force in this jurisdiction as it is, giving to a Notary Public a jurisdiction co-extensive with the State unless limited by law to the County of his appointment, and in view of the decisions of the States heretofore cited in which the same provisions regarding the jurisdiction of Notaries Public are in force as in this jurisdiction, which, with the aid of the Common Law presumption of a broad jurisdiction have invariably held that the jurisdiction of a Notary Public to swear witnesses is co-extensive with the State, we believe that we are correct in our contention that, while a Notary Public must be a resident of the County for which he is appointed, that nevertheless so long as he is a lawful officer of that County, this does not limit his jurisdiction to swear witnesses and take depositions in any County or District of the State of which he is an officer.

On the other hand, suppose that we were to admit for the sake of argument, that in this jurisdiction the power of a Notary Public to swear witnesses is confined to the District of their appointment, we respectfully submit that even though that were the law, nevertheless so long as the Notary Public was a bona fide officer of the District of his appointment and in possession of the emblems of his office, his action of swearing a witness in another District would be the act of a De facto Officer and valid as regards all persons and the Public, and the State would be the only party who could call them into question. In the case of Stokes v. Acklen, in the Chancery Court of Appeals of Tennessee, 46 S.W. Rep. 316, it was held that under the laws of the State a female could not be a Notary Public, yet in this case in which a female had gotten into office and acknowledged a deed as a Notary Public it was held that she was a De facto Officer and that her acts were valid against all persons and the Public. The Court in its opinion

said, "A Notary Public was an officer known to the Common Law, and, in the absence of legislation prescribing his duties and the manner of their performance, the Common Law could be looked to for the purpose of ascertaining them. Kirksey v. Bates, 7 Port. (Ala.) 529, See also Smith v. Meador, 74 Ga. 416. The Office of a Notary Public being a public office in its nature, and pertaining to government, and the feme sole in this case having been duly elected thereto by competent authority under the law, and commissioned to discharge its duties, and being openly in possession, with the accessories of the office, and in the performance of its functions, were her acts done in office void, because she was ineligible, under the law, to hold office. We hold that they were not. She was an officer de facto. The eligibility of the incumbent of an office, established by law, openly in possession of it color officii, and discharging its functions, does not render her acts void as to the third persons and the public dealing with the office and accepting her acts as the acts of a rightful incumbent of the office. We need not attempt to give a comprehensive definition of what it takes to constitute an officer de facto, in the sense of the Law. The books and cases are full of definitions. It is settled by a current of authority almost unbroken for over 800 years in England and this country, that ineligibility to hold an office does not prevent the ineligible incumbent, if in possession under color of right and authority, from being an officer de facto with respect to his official acts, in so far as third persons are concerned. See the leading case of State v. Carroll, 38 Conn. 449; Smith v. Boudalant, 56 Am. Rep. 438; 5 Am. and Eng. Enc. of Law, pp. 96-100 and numerous cases there cited; Shelly v. Alcorn, 72 Am. St. Rep. 293, note, and cases cited; and by reference to this case will be found a great number of cases there cited on this same point".

In the case of Blackburn v. State, 3 Head. Tenn. 636, as was said in the case of Hager of Nashville v. Thompson, 12 Lea. Tenn. 244, that a person entered into office according to the form of law in an

officer de facto, although incompetent by the provisions of the Constitution to hold the office, and his incompetence cannot be inquired into by the parties affected by his acts. "The ineligibility of the female Notary Public taking the acknowledgments in this case, caused by the absence of legislation conferring the power upon women to hold the office did not divest her act of the force and incidents attaching to the act of a de facto officer, the office being one in existence by virtue of law, and she having been given the apparent sanction of competent authority to discharge its duty".

Upon this we respectfully submit that even though a Notary Public had no authority to act without the limits of his District, yet in this case, the Notary Public, being a duly commissioned officer under the laws in force in the Indian Territory, in the possession of the office, that at least her acts were those of a de facto officer, and the affidavits, being made by the affiant before her, a Notary Public, the same were valid as regards the persons who made them.

However, we believe that our first contention, that a Notary Public, under the laws of the Indian Territory as adopted from Arkansas, has jurisdiction to swear witnesses anywhere in the State, is correct.

That this view is correct, in the absence of the question having arisen in Arkansas, and their interpretation of the law relative to the question of the jurisdiction of a Notary Public to administer oaths in any County of the State, having been left to the Legislative power of the State, we would call attention to the manner in which which the Legislature of Arkansas, itself, has seen fit to interpret her laws upon this question, as shown by her Act of April 4, 1901, Sec. 5745 of Kirby's Digest of the Statutes of Arkansas, which is as follows, to-wit: "The power and authority of Notaries Public shall be co-extensive with the State, for the purpose of swearing witnesses and taking depositions".

Respectfully submitted,

Starr & Patton

ATTORNEYS FOR APPLICANTS.

*9/2/04*

Cherokee Freedmen D-234.

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

In the matter of the application for the enrollment of  
John Taylor as a Cherokee Freedman.

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D E C I S I O N .

The record herein shows that on May 10, 1901, John Taylor appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, August 25, 1902.

July 10, 1903, this Commission rendered a decision denying the applicant herein the right to enrollment as a Cherokee Freedman, said decision being duly forwarded to the Department. Departmental letter of December 29, 1903 ( I.T.D. 8960-03), remanded this case for further proceedings, and on June 16 and 18, 1904, supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory .

The evidence herein shows that the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and that during said war he left said Nation, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

It is, therefore, the opinion of this Commission that John Taylor should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, ( 30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Chairman.

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory

this \_\_\_\_\_

*I vote against the enrollment of the applicant, John Taylor,*

*C. R. Bushnell  
Commissioner*

*I agree with Commissioner Bushnell  
Please rewrite denying -  
J. P.*



I am inclined  
to view of  
Court Brackett's

What does

Book say

Jan

*file*  
*BR*

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

In the matter of the application of John Taylor for enrollment as a Cherokee Freedman:

DECISION

The record in this case shows that on May 10, 1901, John Taylor appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence shows that John Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and that during said rebellion he left the Cherokee Nation.

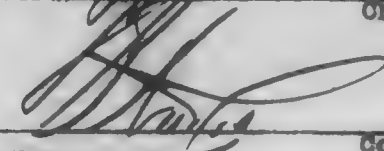
There is no evidence showing that the said John Taylor was residing in the Cherokee Nation on July 19, 1866, or that he returned to said nation within six months thereafter.

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 of John Taylor 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.

  
\_\_\_\_\_  
Chairman.

  
\_\_\_\_\_  
Commissioner.

*L. N. McKinister*  
\_\_\_\_\_  
Commissioner.

*W. E. Haver*  
\_\_\_\_\_  
Commissioner.

Waskagee, Indian Territory,

this JUL 10 1903

*JAC*  
*BR*

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

In the matter of the application of John Taylor for enrollment as a Cherokee Freedman:

DECISION

The record in this case shows that on May 10, 1861, John Taylor appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence shows that John Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and that during said rebellion he left the Cherokee Nation.

There is no evidence showing that the said John Taylor was residing in the Cherokee Nation on July 19, 1866, or that he returned to said nation within six months thereafter.

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 of John Taylor for enrollment as a Cherokee Freedman should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1866 (30 Stats., 495), 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,

JUL 10 1868

Feb. 237

D. ....

**INDIAN TERRITORY,  
CHEROKEE NATION.**

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

by delivering a true copy thereof on the

..... day of ..... A. D. 190...

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

**Marshal for the Cherokee Nation.**

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

**Attorney for applicant.**

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

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

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

Subscribed and sworn to before me

this **DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES**

**FILED**

**OCT 25 1901**

*[Signature]*  
Notary Public.  
.....

# NOTICE!

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

Case No. D 254

To John Taylor Spavinaw 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  Ft. Gibson

Indian Territory, on Sept. 26th 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 9th 20 1901.

L B Bell  
W. W. Hastings

Attorneys for the Cherokee Nation.

Cherokee Freedman  
D 224

Muskogee, I. T., July 12, 1904.

Mr. John Taylor,  
Spartan, Indian Territory.

Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are required to submit to the Commission, at its office in Muskogee, Indian Territory, further testimony as to whether you were a resident of the Cherokee Nation on July 19, 1864, or that you returned to said Nation within six months from said last mentioned date; and also testimony as to your residence in the said Cherokee Nation since you returned thereto. You will be allowed until August 1, 1904, within which to comply with this requirement.

Very respectfully,

Register

Acting Chairman.

Cherokee D-254

Muskogee, Indian Territory, July 29, 1902.

John Taylor,

Spavinaw, Indian Territory,

Dear Sir:

In reply to your letter of July 26 relative to your application for enrollment as a citizen of the Cherokee Nation, you are advised that if you desire your mother, Malinda Smith, and Bob Smith to testify as to your right to enrollment as a citizen of the Cherokee Nation, you should have them to appear before the Commission and give such testimony as you desire.

If the parties refuse to appear upon your request and you will so advise the Commission, subpoenas will be sent to you for service on these parties, requiring them to appear and testify in your case.

Yours truly,

Commissioner in Charge.

COPY

Cherokee Freedman  
D-234

Muskogee, Indian Territory, July 23, 1905

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the report of proceedings had in the matter of the application of John Taylor for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated July 16, 1905, rejecting said application.

Respectfully,

*T. B. Needles*

Commissioner in Charge

Through the

Commissioner of Indian Affairs

Enc. D-51



COPY

Cherokee Freedman  
D-234

Muskogee, Indian Territory, July 23, 1903.

U. W. Hastings,

Attorney for the Cherokee Nation,

Tullogah, Indian Territory

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 20, 1903, respecting the application of John Taylor 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,

I. B. Needles.

Commissioner in Charge.

Enc. D-30

COPY.

Cherokee Freed-  
man D. 234.

Muskogee, Indian Territory, July 23rd, 1903.

John Taylor,

Spavinaw, Indian Territory.

Dear Sir:

There is enclosed herewith 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 10th, 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,

*J. S. Needles.*

Commissioner in Charge.

Enc. D, 29,  
Register.

Refer in reply to the following:

Land.  
47057-1903.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Dec. 19, 1903.

The Honorable,

The Secretary.

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 John Taylor for the enrollment of himself as a Cherokee Freedman Citizen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence submitted that John Taylor was the slave of a Cherokee citizen at the commencement of the Rebellion and that during the said Rebellion he left the Cherokee Nation, but that there is no evidence showing that he was residing in the Cherokee Nation on July 19, 1868, or that he returned to said Nation within six months thereafter; that his name is not found on the 1868 authenticated roll of the Cherokee Nation, from which facts the Commission concludes that his application for enrollment as aforesaid should be denied under the provisions of section 21 of the act of Congress approved June 28, 1866 (30 Stats., 495).

An examination of the testimony submitted in this case shows that this applicant was forty-six years old in 1901. He testifies that he was not in the Cherokee Nation in 1868, but that he has been recognized by the Cherokee authorities as a Cherokee

freedman and that his people are on said roll. The Commission say that his name is on the Kern-Clifton roll, but that his name is not found on the 1860 authenticated roll, or on the 1896 census roll.

Witness testifies that his mother's name is Malinda Smith and that she is living; that he was a slave before the war and was owned by an Taylor; that he came back to the Cherokee Nation after the war when the Federals had headquarters at Ft. Gibson, but does not remember the year.

In his cross examination the applicant testifies that he came back to the Cherokee Nation with Lewis Vann and John Rose; that his mother was already in the nation cooking at Ft. Gibson for Col. Stephens; that he was a good big boy when he came back.

The witness further testifies that he did not go out of the nation with his mother nor to Red River, and that he did not come back with his mother; that he was married December, 1900, and prior to that time just kept going around.

The witness, Columbus Masley, testifies that he is fifty-three years old and a recognized Cherokee freedman; is on the rolls of 1880; knows the applicant and has known him ever since 1866 when he was at Ft. Gibson; that he also knew his mother and that she was at Ft. Gibson then. Witness does not know why his name is not on the 1860 roll. Witness further testifies that the applicant's mother was a slave.

The witness, Columbus McNair, testifies that he is fifty-one years old; that he is a recognized Cherokee freedman; that he has known the applicant ever since the war, but does not know where he was in 1866; has seen him off and on in the Cherokee Nation during

the past eight or ten years.

Upon being recalled the applicant testifies that he had voted in Kansas seven or eight years ago; that he has owned horses in the Cherokee Nation, but no land; that his mother is living; that he has voted in the Cherokee Nation and drawn scrip money, and also drew money under the Wallace roll.

On cross examination he testifies that he voted for Joel Hayes when he was running for Chief, and also voted for Buffington when he was running for Chief.

The Commission say that his name appears on the Wallace roll of the Cherokee Nation.

It further appears from his testimony that his mother has been living all this time at Ft. Gibson; that he has a stepfather with whom he is not on very good terms.

By reason of said testimony, the Commission as aforesaid, finds that this applicant was the slave of a Cherokee citizen, but further finds that he did not return to the Cherokee Nation within the time stipulated by the Treaty of 1866.

I am unable to see how the Commission can arrive at such an opinion under the testimony presented. The Cherokee Nation presents no evidence whatever showing that fact, and I certainly cannot conclude from the evidence submitted in the record, that the fact that he was not in the Cherokee Nation within the proper time is well established.

It appears that this applicant's mother is living, and yet she is not called by the Commission to give her testimony in this case. There is no reason submitted why she was not called. I certainly think that her presence at the hearing of this case was desirable at least, if not necessary, and I further consider that it was the duty of the Commission to take her testimony relative to the whereabouts of her son, if it is at all possible to secure the same.

The applicant in this case, according to his statement was only about six years old at the commencement of the war. He must at that age have been in charge of some one and his mother ought to be able to say where he was, and can perhaps also state where he went during the war, and can give some definite statements as to his return. It appears from the testimony that she returned to the Nation before he did, and while he does not state directly that his mother is on the 1880 roll, I consider it an important fact in connection with his case. The Commission does not state whether her name is on the 1880 roll or not.

In this connection I wish to invite the attention of the Department to the query: What is the status of minor Cherokee Freedmen? Is their place of residence to be governed by the residence of their parents, or the residence of their Cherokee owners at the time of the treaty of 1866? This applicant at the age of twelve years was unable to select a residence for himself. He was also unable to know the contents of said treaty and incapable and without sufficient judgment to conform to the provisions of said Treaty, and to secure said rights as it was designed to, give him, if he did

not reside with his mother or his father and by reason of his having been a slave was cast adrift.

The query arises, how is his place of residence during his minority to be determined? I consider that if the applicant's mother was living in the Cherokee Nation within the time provided by the Treaty of 1866, the applicant could have been held to have also been a resident of the Cherokee Nation at this time, although he in fact had not returned to the Cherokee Nation, for the principle of law that the place of residence of the parent is the residence of the child is being constantly applied in the determination of questions of citizenship in the Indian Territory.

I cannot see my way clear to recommend the approval of the decision of the Commission in this case, and consider that the same should be remanded to the Commission for rehearing, at which the mother of this applicant, is still living, should be called to testify, and that the Commission be further called upon to render an opinion as to what shall govern the question of the place of residence of minors as above stated.

Very respectfully,

WCB-H.

Commissioner.

D.C. 582-1904

DEPARTMENT OF THE INTERIOR.

U.C.F.  
P.M.E.  
D.E.S.

I. T. D. 8960-1903

WASHINGTON.

December 29, 1903

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 of John Taylor, for enrollment as a Cherokee freedman.

In your decision of July 10, 1903, rejecting the application, you stated:

"The evidence shows that John Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and that during said rebellion he left the Cherokee Nation.

There is no evidence showing that the said John Taylor was residing in the Cherokee Nation on July 19, 1866, or that he returned to said nation within six months thereafter.

The name of the applicant is not found on the 1860 authenticated roll of the Cherokee Nation."

Reporting December 19, 1903, the Commissioner of Indian Affairs states that he cannot conclude from the evidence submitted in the records that the fact that the applicant was not in the Cherokee Nation within the proper time is well established. He also states that in his opinion the evidence of the mother of this applicant was desirable in this case; that it was the duty of the Commission to take her testimony relative to the whereabouts of her son, inasmuch as it appears that the applicant was only about six years old at the commencement of the war. He therefore recommends that the case be remanded to you for a rehearing, at which the applicant's



mother, if still living, be called upon to testify, and further recommends that your Commission be called upon to render an opinion as to whether the status of minor Cherokee freedmen is to be governed by the place of residence of their parents or by the place of residence of their Cherokee owners at the time of the treaty of 1866.

The Department concurs in the recommendation of the Commissioner, and the case is hereby remanded to you for appropriate action in accordance with the instructions indicated in the Commissioner's letter, a copy of which is inclosed herewith

Respectfully ,

(signed) Thos. Ryan.

Acting Chairman.

2 inclosures.

Cherokee Freedmen  
D 234

Muskogee, Indian Territory, February 13, 1904.

John Taylor,

Spavinaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 7th, stating that you were sick and would be unable to appear before the Commission on February 11th and give further testimony in the matter of your application for enrollment as a Cherokee freedman, in accordance with the Commission's notice to you of January 9th. You ask to be given another opportunity to appear and introduce the testimony required.

In reply you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday March 3, 1904, for the purpose of introducing the testimony requested in the Commission's letter of January 9, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 13, 1904.

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

Dear Sir:

In the matter of the application of John Taylor for the enrollment of himself as a Cherokee Freedman, which case was set for further hearing, in accordance with the Commission's letter to you, of January 9th, you are hereby advised that the Commission is in receipt of a letter from the applicant dated February 7th, stating that he is sick and unable to appear before the Commission as requested and he asks to be given a further opportunity to introduce the testimony required.

The applicant has accordingly this day been advised that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday March 3, 1904, and introduce the testimony requested in the Commission's letter of January 9, 1904. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
D-234.

Muskogee, Indian Territory, March 7, 1904.

John Taylor,

Spavinaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 26, acknowledging receipt of the Commission's notice to you of February 13, for the introduction of further testimony in the matter of your application for enrollment as a Cherokee freedman. It is noted that you state you were sick and unable to appear before the Commission on March 3, as instructed.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as heretofore requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
D-234.

Muskogee, Indian Territory, March 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Taylor for the enrollment of himself as a Cherokee freedman, you are advised that the Commission is in receipt of a communication from the applicant stating that he was sick and unable to appear before the Commission on March 3, as instructed.

Said John Taylor has therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as heretofore requested.

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

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
D 834

Muskogee, Indian Territory, May 18, 1904.

John Taylor,  
Spavinaw, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of December 29, 1903, remanding the Commission's decision of July 10, 1903, rejecting your application for enrollment and asks that you be given an opportunity to introduce further testimony in support of your application. The Department also desires that you introduce the testimony of your mother as to the date of your return to the Cherokee Nation after the war and your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as above indicated.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-66

Chairman.

Cherokee Freedmen  
D 234

Muskogee, Indian Territory, May 18, 1904.

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

Dear Sir:

In the matter of the application of John Taylor for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of December 29, 1903, remanding the Commission's decision of July 10, 1903, rejecting said application and asks that the applicant be given an opportunity to introduce further testimony in support of his application. The Department also desires that the testimony of the applicant's mother be taken as to the date of his return to the Cherokee Nation after the war and as to his residence since that time.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-57

Chairman.

Cherokee Freedman  
D 234

Muskogee, Indian Territory, May 18, 1904.

Malinda Smith,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of the application of your son, John Taylor, for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of December 29, 1903, remanding the Commission's decision of July 10, 1903, rejecting the applicant and directing that he be given an opportunity to introduce further testimony in support of his application. The Department also directs the Commission to secure your testimony in this case as to the date upon which the applicant returned to the Cherokee Nation after the war and as to his residence since that time.

You are, therefore, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 18, 1904, in order that your testimony may be taken on the points above mentioned.

Respectfully,

Chairman.



Cherokee Freedman  
D-234.

Muskogee, Indian Territory, May 31, 1904.

John Taylor,

Spavinaw, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,

Commissioner in Charge.

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

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

CHEROKEE FREEDMEN  
D-234.

ALLISON L. AYLER-WORTH  
SECRETARY

ADJUTANT GENERAL  
COMMUNICATIONS SECTION

Muskogee, Indian Territory, January 9, 1904.

John Taylor,

Spavinaw, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of December 29, 1903, remanding your case and directing that you be given further opportunity to prove conclusively your right to enrollment as a Cherokee freedman. It is particularly desired that you introduce in your behalf, the testimony of your mother, Malinda Smith.

You are therefore directed to appear before the Commission at its office in Muskogee, Indian Territory, on Thursday, February 11, 1904, at nine o'clock, A.M., and introduce testimony in accordance with the department's letter.

Respectfully,

Commissioner in Charge.

Cherokee Freedman  
D-234.

Muskogee, Indian Territory, January 9, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Taylor for the enrollment of himself as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of December 29, 1903, remanding his case and directing that he be given further opportunity to prove conclusively his right to enrollment as a Cherokee freedman. It is particularly desired that he introduce in his behalf, the testimony of his mother, Malinda Smith:

The applicant has therefore been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Thursday, February 11, 1904, at nine o'clock A. M., and introduce testimony in accordance with the Department's letter above mentioned.

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

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman  
D-234.

Muskogee, Indian Territory, January 9, 1905.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of January 6, 1905, asking to be advised as to the status of the application for the enrollment of John Taylor as a Cherokee Freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case.

Respectfully,

(SIGNED). *Tame Bixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-234.

Muskogee, Indian Territory, June 30, 1905.

John Taylor,

Spavinaw, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(Signed) *Tame Bixby*  
Chairman.

Incl. S-66  
Register

Cherokee Freedmen

D-234,

Muskogee, Indian Territory, June 30, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of John Taylor 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,

SIGNED.

*Tammie Bixby*

Chairman.

Incl. S-67

COP.

Cherokee Freedmen  
D-214

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of John Taylor as a Cherokee freedman, including the Commission's decision dated June 30, 1905, rejecting said application.

On December 29, 1953, this case was remanded for further hearing and readjudication.

Respectfully,

(SIGNED) *James Bixby*  
Chairman.

Incl. 2-68

Through the  
Commissioner of Indian Affairs.

1844-1908.  
57437-1908.

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

August 3, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 10, 1906, transmitting the record of the application for enrollment as a Cherokee Freedman by John Taylor.

June 30, 1906, the Commission decided adversely to the applicant.

The record shows that on July 10, 1903, the Commission rendered a decision denying this applicant enrollment and that thereafter, on December 22, 1903 (I. I. D. 8900-1903) the Department remanded the case for further proceedings. After ample opportunity afforded it is not established by satisfactory evidence that the applicant returned to and established a residence in the Cherokee Nation on or before February 11, 1867.

By letter of July 22, 1905, (forwarded to the Department August 3, 1905 - Land 57437-1908) the attorneys for the Cherokee Nation transmitted the protest of the Nation against the enrollment of this applicant which has received due consideration.

In view of the record the approval of the Commission's



adverse to the applicant is recommended.

Very respectfully,

W. F. Barrett,

Acting Commissioner.

H. H. H.  
V.

J. P. J.

10000  
10000  
10000

DEPARTMENT OF THE INTERIOR, D.D.  
WASHINGTON.

June 29, 1900.

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

Sir:

On July 25, 1900, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application of John Taylor for enrollment as a Cherokee Citizen, together with its decision of July 19, 1900, rejecting said application.

On December 26, 1900, the Department remanded this case to the Commission for a rehearing and readjustment.

On August 2, 1900, you transmitted a report of the Commission to the Five Civilized Tribes relative to this case, including a decision of the Commission dated June 19, 1900, adverse to this applicant.

On September 7, 1900, a petition for review of the Commission's decision in this case was filed by the attorneys for the applicant. The attorney for the nation has also filed a protest on behalf of the Cherokee Nation against the granting of said review.

There appears to be no proper reason for granting said re-

-2-  
tion and it is hereby denied.

You recommend the approval of the Commission's decision, adverse to the applicants.

The decision is considered correct and the application of John Taylor for enrollment as a Cherokee freedman is hereby denied.

Respectfully,

Jesse E. Wilson,  
Assistant Secretary.

Cherokee F.  
D. 234.

COPY

Muskogee, Indian Territory, July 5, 1906.

John Taylor,  
Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, June 22, 1906, and the motion filed by your attorneys, September 7, 1905 for review of your case, was denied by the Department on said date.

Respectfully,

SIGNED.

*Jams Bixby.*  
Commissioner.

LMC

Cherokee F.  
D. 234.

COPY.

Muskogee, Indian Territory, July 5, 1906.

Blue & Bulger,  
Attorneys for John Taylor,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of John Taylor for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, June 22, 1906, and that your motion, filed September 7, 1905 for review of said case, was denied by the Department on said date.

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

Respectfully,

SIGNED:

*Jams Bixby.*  
Commissioner.

Incl. C-74  
LMC

Cherokee F.  
D. 234.

COPY,

Muskogee, Indian Territory, July 5, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of John Taylor for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, June 22, 1906, and that the motion, filed September 7, 1905 for review of said case, was denied by the Department on said date.

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

Respectfully,

SIGNED.

*James Bixby.*  
Commissioner.

Incl. C-75.  
IMC

Cherokee Freedmen  
D 234

Muskogee, Indian Territory, August 30, 1906

Starr & Patten,  
Attorneys for John Taylor,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on August 3, 1906,  
of a motion made by you to strike out certain testimony  
in the Cherokee freedman enrollment case of John Taylor.  
This office is also in receipt, on August 6, 1906, of  
a Brief filed by you in said case.

Said motion and brief will receive the proper  
consideration of this office and be transmitted to the  
Department for action thereon at the earliest practicable  
date, of which you will be promptly advised.

Respectfully

L M B

Acting Commissioner

(COPY)

Vinita, I T. December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedman Enrollment case of John Taylor (F D 234) in which we filed a motion for rehearing on June 25th 1906 unsupported by proper affidavits we beg to advise you that at that time John Taylor advised us that he would get up his witnesses and secure their affidavits and we have since then repeatedly reminded him of the necessity of getting his affidavits and he has wholly failed to furnish us with any proof concerning his case of people we know to be reputable and as we make it a rule to decline to take affidavits ourselves when we know the witnesses are disreputable it appears to us that this claimant is unable to produce satisfactory affidavits in support of his motion for a rehearing and if the case is being held by you it might as well be forwarded as it would be useless to hold it any longer as we believe this claimant will not be able to produce satisfactory testimony to support a motion for rehearing and our motion for rehearing should therefore accordingly be denied by the Department, if no motion for rehearing has been filed by other attorneys or other action having been taken by this claimant without our knowledge.

Respectfully,

Starr & Patten A.C.S.



Muskogee, Indian Territory, January 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed June 25, 1906, by Starr & Patten, Attorneys for applicant, Vinita, Indian Territory, for a rehearing of the Cherokee freedman case of John Taylor, D-234.

July 26, 1906, the Attorney for the Cherokee Nation filed a motion to dismiss said motion for the reason that it is purported to have been sworn to by J. C. Starr, one of the attorneys, at Vinita, Indian Territory, before Jessie Patten, a notary public for the Western District, Indian Territory, and that testimony taken in the freedman case of Mary Sanders shows that Jessie Patten is a notary for the Western District of Indian Territory, and the Nation claims she had no authority to administer oaths at Vinita in the Northern District of Indian Territory, and for the further reason that the motion is unsupported by affidavits. The Attorney for the Nation states that said testimony was attached to his motion, but the same was not.

August 2, 1906, attorneys for applicants filed a motion to "strike from the records the testimony taken in the

case of Mary Sanders, Cherokee freedmen R-38 et al., which has been attached to 'The reply of the Cherokee Nation', 9.

August 16, 1906, the Attorney for the Cherokee Nation filed a reply to said motion. August 6, 1906, attorneys for applicants filed a brief in the matter. All of these documents are enclosed.

The same question now presented as to the jurisdiction of a notary public was raised in the Cherokee case of Zora W. Evers, et al., in which the Department on December 13, 1906 (I.T.D.24442-1906), held that "the Department does not consider it necessary to pass upon the jurisdiction of a notary public in the consideration of the motion now presented."

A rehearing is asked in this case in order that testimony may be introduced to show that the applicant returned to the Cherokee Nation and established a residence therein prior to February 11, 1867. Attorneys state that, as the Act of April 26, 1906, only allows sixty days within which motions for rehearing may be filed, they request that they be granted thirty days within which to file affidavits in support of their motion. No affidavits have been filed in support of this motion and attorneys for applicants, in their letter of December 22, 1906, state that they "believe this claimant will not be able to produce satisfactory testimony to support a motion for rehearing and our motion for rehearing should, therefore, accordingly be denied by the Department." A copy

of said letter is enclosed.

As the motion is without merit, it is respectfully recommended that the request of the attorney filing the same be granted and that the motion be denied.

The decision of the Commission to the Five Civilized Tribes, dated June 10, 1906, rejecting the application of John Taylor for enrollment as a Cherokee freedman, was affirmed by the Department, June 22, 1906 (I.T.D. 2446-1906).

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Encl. 2-26  
JH

Cherokee  
Freedman 234.

Muskogee, Indian Territory, January 7, 1907.

Starr & Patten,  
Attorneys for John Taylor,  
Vinita, Indian Territory.

Gentlemen:

Replying to your letter of December 22, 1906, with reference to the motion filed by you for a rehearing of the Cherokee freedman case of John Taylor, you are advised that said motion was forwarded for the consideration of the Secretary of the Interior on January 4, 1907.

You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

S. W.

Commissioner.

DEPARTMENT OF THE INTERIOR,      LLB  
WASHINGTON.

I.T.D.1030-1907.

January 24, 1907.

L.R.S.

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

Sir:

On January 15, 1907 (Land 1267), the Indian Office transmitted your report dated January 4, 1907, in the matter of a motion for rehearing filed in the application of John Tayler for enrollment as a freedman of the Cherokee Nation.

You state that you are in receipt of a communication from the attorneys for the applicant, in which they advise you that they do not believe said applicant will be able to produce satisfactory testimony to support the motion for rehearing, and that the motion should be denied.

You recommend that the request of the attorneys be granted, and the motion be denied.

In accordance with your recommendation, said motion is hereby denied.

The record and accompanying papers are returned for the files of the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner  
1 of Indian Affairs.  
1 inc. to Ind. Of.

Cherokee F.  
D 234

Muskogee, Indian Territory, February 6, 1907.

John Tayler,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in your Cherokee freedman enrollment case, filed June 25, 1906, was denied by the Secretary of the Interior, January 24, 1907.

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

Respectfully,

Encl. H-30  
JMH

Commissioner.

Cherokee F.  
D 234

Muskogee, Indian Territory, February 6, 1907.

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

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedman enrollment case of John Taylor, filed June 25, 1906, was denied by the Secretary of the Interior, January 24, 1907.

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

respectfully,


Encl. H-21  
JMK

Commissioner.

VB. F. J. 234

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
MAY 10 1901

A handwritten signature in dark ink, appearing to be "W. H. H. H.", written over a rectangular stamp area.

ACTING CHAIRMAN



CHEROKEE FREEDMEN.

Date *May 10, 1901*  
Post Office *Waynesville, N.C.*  
District *Jalisco*

1. Name *John Taylor* Age *46*  
Owner's name *Sam. Taylor* Citizenship  
Year *1860* Page *148* No. *3675* District *000*

Parents:

Father *Isaac Samu dead* Citizenship  
Mother *Mahinda Smith living* Citizenship

2. Name of wife

Owner's name  
Year Page No. District

Parents:

Father *[crossed out]*  
Mother *[crossed out]* Citizenship

Names of Children:

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

*[Crossed out entries 7, 8, 9, 10]*

Application made by *No. 1* Stenographer *Chas von Weise*

*No 1 on Wallace Roll page 143 no 2991 Ill. Dist.*

D

101311

# **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. John Taylor,  
Spavinaw, I.T.  
Cherokee F-D-234  
Register.

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

47057

Incl.

Incl. N.

41903

83646

HEROINE & ...  
OVERSIGHT CASE

NO. 11

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE BUREAU OF LANDS

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

6

Department	...
Re	...
...	...
...	...
...	...

As ...

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Cher. Fr. R. 848

Trans. from Cher. Fr. D. 244

Cher. Fr. R. 848

1  
New York - 50

John Martin

on record see

New York 1814/18

Joshua Martin Sr.

---

Cher. Fr. R. 849

Trans. from C. Fr. D. 245

Cher. Fr. R. 849



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 10, 1901.

In the matter of the application of Elias Downing for enrollment as a Cherokee Freedman.

Supplemental testimony.

Andy Frye, being duly sworn and examined by Commissioner Neelley, testified as follows:

Q What is your name? A Andy Frye.

Q What is your age? A 66.

Q What is your post office? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q A Freedman? A Yes, sir.

Q Is your name on the roll of 1880? A Yes, sir, I expect it is on there.

Q Do you know Elias Downing? A Yes, sir.

Q How long have you known him? A Oh, I have known him ever since we were boys.

Q Was he a slave before the war? A Yes, sir.

Q Who did he belong to? A Belonged to Eliza Wright.

Q Do you know where he was in 1866? A He was down here on Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see him there? A Yes, sir.

Q Have you seen him since that? A Yes, sir, I have seen him since that.

Q Has he always lived in the Cherokee Nation since that time?

A No, he left the Cherokee Nation and went back to Texas and stayed there a while and came back again and been living here ever since.

By Mr. Hastings: What time in '66 did you see him down there? A It was along in the fall of '66.

Q What makes you remember distinctly of seeing him among all those down there? A I seen lots of them, I don't remember him any more than anybody else, because he came to my house and I went to where he was.

Q You don't remember everybody you saw 35 years ago? A No, sir, I don't, but then a man that lives right at me, he lives right by me and I remember him.

Q How long do you remember seeing him that fall? A I was there, I don't recollect just how long I do remember seeing him, it seems like the whole winter and spring.

Q Do you know where he came from? A He said he came from Texas where they taken him before the war.

Q And he went back to Texas? A Yes, sir.

Q And he married down there? A Yes, sir.

Q And had some children down there? A Had one I believe.

Q About how many years did he stay down in Texas to your recollection the second time? A I don't know, sir, about that, I never kept no count of the time, but I know he was away a good while and came back again.

Q Do you know how long the applicant was gone out of the country?

A Must have been a year, or maybe a little longer, might have been longer and might not have been, I never kept any count.

Q You don't know what year he came back then? A No, sir, I don't know what year he came back in, I don't recollect.

Q You remember he came back the first time in '66? A Yes, sir, because I hadn't been long in here myself.

Q And you can remember the year he first came but you can't remember the year the second time? A No, sir, I never kept any date.

Q Has he been living down there since he came back the second time?

Q He lived over there right by me for four or five years and then he lived over on Fryor creek.

Elias Downing - a.

Allen Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your age? A 61.  
Q Your post office address? A Vinita.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q A Freedman? A Yes, sir.  
Q Do you know Elias Downing? A Yes, sir.  
Q How long have you known him? A I have known him forty or fifty years.  
Q Was he a slave during the war? A Yes, sir.  
Q Before the war? A Yes, sir.  
Q To whom did he belong? A He first belonged to Eliza Wright and then he belonged to Jim Ball.  
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.  
Q Where did he go? A Went south.  
Q Do you know when he returned? A Yes, sir, I do.  
Q When was that? A He came back here in the fall of '66.  
Q How long did he stay here when he came back? A He stayed here till '67, along in the fall of '67.  
Q Where did he go then? A Went back to Texas I reckon when he left here.  
Q Do you know how long he stayed in Texas? A No, sir, I don't.  
Q How long has he been living in the Cherokee Nation continuously to your knowledge? A Must be right near 18 or 20 years.  
Mr. Hastings: He came back here about 18 years ago from Texas?  
A No, I don't know just when he came from Texas, but he came back and moved on the other side of the river and lived there four or five years and then I bought that place and he moved on Pryor Creek; must have been 18 or 16 or 17 years now.  
Q Since he came back from Texas? A Since I first seen him when he came back.  
Q That is your best recollection? A Yes, sir, maybe longer than that; I bought the place he was living on.  
Q You know he lived there four or five years after he came back?  
A Yes, sir.  
Q And you lived in the same neighborhood? A Yes, sir, living there yet.  
Q He married in Texas? A Yes, sir.  
Q He had some children when he came up there? A He had one or two, I don't just remember.  
Q Do you remember how old they were? A No, sir, I can't remember how large they were.  
Q You know he was gone some time down in Texas when he went back after the war? A Yes, sir, I think he went out to visit, before he went off, I don't say what time when he went.  
Q Do you know who he came up here with when he first came?  
A No, sir, the first time I saw him I saw him at his place.

\*\*\*\*\*

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 the 11th of May, 1901.

*Bruce G. Jones*  
*M. D. Jones*  
*Notary Public*  
Commissioner

To be filed in case of Elias Downing, et al, D 245, Cherokee Freed'm

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winta, I.T., May 16, 1901.

In the matter of the application of Johnson Downing for the  
enrollment of himself as a Cherokee Freedman:

ELIAS DOWNING, being sworn and examined by Comissd Genl Brack-  
inridge, testified as follows:

- Q Give me your full name? A Elias Downing.  
Q How old are you? A I am about 58 years old I suppose.  
Q What is your post-office? A Chelsea.  
Q You apply for enrollment a few days ago? A Yes sir.  
Com'r: His case is Cherokee Freedmen, D 245.  
Q Is this applicant your own son? A Yes sir.  
Q Have you a son named Joshua? A No sir.  
Q Who is that Joshua Downing intended for on the Cross-Cliffen roll  
in your family? A It must have been a mistake in taking the name  
when I give in Johnson's name.  
Q This is the only one it could be for? A Yes sir.  
Q This is all the son you have got? A Yes sir.  
Q All the son you had at that time? A Yes sir.  
Q So they just got it down Joshua instead of Johnson? A Yes sir,  
the mistake was made in that way.  
Q Do you know a man named Joshua Martin? A Yes sir.  
Q Does he live in your neighborhood? A Yes sir.  
Q About how old a man is he? A He is about 26 years old.  
Q What is the name of his wife? A Ella Martin.  
Q How many children have they? A Three as well as I recollect.  
Q Did you ever hear that that Johnson Martin drew Strip money  
that belonged to your son? A Yes sir, I was right there when he  
drew it, but it seemed like they had everything their way, and he  
drew it.  
Q He drew it under the name of Joshua Downing? A Yes sir.  
Q They seemed to think that Joshua Downing was more like Joshua  
Martin than it was Johnson Downing? A I guess so.  
Q What is the name of the father of this Joshua Martin who drew  
your son's Strip money? A George Bean is his father.  
Q What is the name of his mother? A Sarah Ann Martin.  
Q Is the father living? A No sir.  
Q Is the mother living? A Yes sir.  
Q What is the post-office of this Joshua Martin you are talking  
about? A Chelsea.  
Q How far is it from White Oak? A About four miles.  
A Well, White Oak might be his post-office? A Well, that might be  
Wallace roll of citizens of the Cherokee Nation examined and  
applicant identified thereon as follows:  
page 110 #2340 Johnson Downing, Delaware District.
- Q When did you marry your wife, Phoebe? A I married her I guess  
in '69, somewhere about that time.  
Q Was she your first wife? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Had she been a slave in the Cherokee Nation before the war?  
A No sir, not my first wife wasn't.  
Q Phoebe had not been? A No sir.  
Q Where did you marry her? A I married her in Texas.  
Q How long after you married her was it before you came to the  
Cherokee Nation? A Well, I came right after I married her.  
Q Whereabouts in Texas was it you married Phoebe? A In Ellis Co.  
Q You were a slave in the Cherokee Nation before the war? A Yes sir.  
Q And you were carried down to Texas during the war were you?  
A Yes sir.  
Q And you came back soon after your marriage, is that right?  
A Yes sir.  
Q Have you lived in the Cherokee Nation ever since you came back  
in 1869? A Yes sir, ever since I came back the last time.

married in 1869 and I don't recall the name, but I have been living in the State ever since.

Q Were you in Texas from the time you were married until there during the war until you married in 1869? A Yes sir, I was up here in '66, and then went back down there again.

Q How long did you stay up there when you came back? A I staid a year or such a matter.

Q And then went back down in Texas? A Yes sir.

Q And staid there until you married? A Yes sir.

Q Where did you stay during the time you were up here, in 1866? A Staid with my father.

Q In your father's living? A Yes sir, he was dead.

Q Where was your father's place? A He had a place in the Cherokee Nation.

Q To what did you belong in the Cherokee Nation at the time the war broke out? A Belonged to Elias Wright.

Q Was he a regular citizen of the Nation? A Yes sir.

Q Who is living at this time that you lived with him? A My father. And you came here in 1866? A I was around there at Fry's and Long's place.

Q Were there any other people that are now living? A Andy Long and Gray Long.

Q What time in '66 did you come to the State? A I came here in '66.

Q Well, it was a little while in the summer or fall 1866.

Q What time of the year were you married in? A I don't remember what time I was married in.

Q Was it spring? A That is, my first wife.

Q I mean your first wife, Phoebe? A I don't remember what time of the year it was.

Q Did you vote down in Texas? A No sir, I didn't vote there.

Q When did your wife, Phoebe, die? A She has been dead about 21 years, or '82.

Q Died when this son was quite young? A Yes sir, he was a little bit of a thing.

Q Where did she die? A She died down here in the Cherokee Nation on Grand River.

Q Did she live with you in the Cherokee Nation until she died? A Yes sir.

Q From the time of your marriage until she died? A Yes sir.

Q And this son, was he born in the Cherokee Nation? A Yes sir, he was born here.

Q What was the occasion of your going back to Texas? A I used to go back, I had to work around and make a living, and I used to return there to work.

Q Did you make a crop in the Cherokee Nation when you came back, as you state in 1866? A I staid with my father, he was cropping there.

Q Did you go back to Texas to make your home down there? A No sir, if I had I would have staid down there.

Q You came back to the Cherokee Nation in '66 to make your home? A Yes sir, I was hunting my people.

Q But you didn't stay in the Cherokee Nation? A Well, I found them then I had other people back down here you know.

Q You had folks back in Texas? A Yes sir.

-----

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

*W.D. Green*

Subscribed and sworn to before me this May 17, 1901.

*W.D. Green*

Commissioner.

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

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON I. AYLESWORTH,  
SECRETARY

Chelsea, Indian Territory, June 7th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original, one copy of the supplementary and one copy of the testimony from the case of Johnson Downing which has been made a part of the record in the matter of the application of Elias Downing et al for enrollment as Freedmen of the Cherokee Nation.

Cherokee F. #D245.

A. S. M. Rea

Attorney for Applicants.

To be filed in case of Elias Downing et al.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Vinita, I. T., May 10, 1901.

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

- Q What is your name? A Sarah Ann Martin.  
Q How old are you? A About 60 I guess.  
Q What is your postoffice address? A Chelsea.  
Q What district do you live in? A Cooweescoowee.  
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 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 It ought to be.  
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.  
Q How old is that one? A 19 years old.  
Q What is its name? A Geie Martin.  
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

- Q What was your father's name? A Mike Martin.  
Q What was your mother's name? A Nellie Martin.  
Q What relation are you to Aaron Martin? A A sister.  
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Cooweescoowee District.

The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

- Q Were you a slave before the war? A Yes sir.  
Q To whom did you belong? A To John Martin.  
Q Was he a Cherokee by blood? A Yes sir.  
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where did you go to? A I went to Kansas.  
Q When did you return from Kansas? A In '66.  
Q Who did you come with? A With Annie Frey and Peter Williams.  
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.  
Q Was he a state man? A No sir.  
Q Is he living now? A No sir, he is dead.  
Q You came back in 1866? A Yes sir.  
Q Been here ever since? A Yes sir.  
Q Did you come back with Aaron? A Yes sir.  
V. L. Hastings: What was your husband's name? A Jake Martin.  
Q He didn't come with you? A No sir.  
Q Did he come after you? A Yes sir.  
Q Did you remain down here after you come? A Yes sir.  
Q You never went back to Kansas? A No sir.  
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Andy Frey.  
Q How old are you? A 66.

2- S.A.H.

- Q What is your postoffice? A Vinita.  
Q Are you a Cherokee Freedman? A Yes sir.  
Q Acknowledged by the Cherokee Nation as such? A Yes sir.  
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.  
Q Was she a slave? A Yes sir.  
Q Whom did she belong to? A John Martin.  
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where did she go? A She went up in Kansas with the rest of them.  
Q When did she return? A In '66.  
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.  
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.  
Q When you returned from Kansas, she returned with you? A Yes sir.  
Q That was in 1866? A Yes sir.  
Q She has been living here ever since? A Yes sir.  
W. V. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.  
Q Her husband didn't come with her? A No sir, her husband didn't come.  
Q Her husband was Jake Martin? A Yes sir.  
Q She remained down here after she come? A Yes sir.  
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Filmore Hicks.  
Q Your age? A 53.  
Q What is your postoffice address? A Vinita.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood? A Yes sir.  
Q Do you know Sarah Ann Martin? A Yes sir.  
Q The applicant here? A Yes sir.  
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.  
Q Where did you first see her after the war? A At Dr. Thompson's place.  
Q What year was that? A In the fall of '66.  
Q Have you known her ever since the fall of '66? A Yes sir.  
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.  
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.  
W. V. Hastings: You were eight years old? A I was 18 then.  
Q You are 53? A Yes sir.  
Q How many of her children did you see up there then? A Four.  
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.  
Q You saw them all up there? A Yes sir, I remember of seeing them all.  
Q How far was that from where you lived? A About 6 or 8 miles.  
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.  
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Frey; they all lived there.  
Q How long after she come down? A It hadn't been very long; the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.  
Commissioner of Appeals: Sarah Ann, did you and Aaron come back together? A Yes sir.  
Q You and Aaron are brother and sister? A Yes sir.



3- S.A.M.

**V. V. Hastings:** Were you living with your husband in Kansas? A Yes sir.

Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.

Q How long after you came, did your husband come? A About a year.

**Commissioner:** Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.

Q Where is Ocie? A He is at home.

Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D- 235, which will be made a part of her case at bar. When the Commissioner arrives at the conclusion of your case, you will be notified by mail.

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.

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

  
Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Vinita, I. T., May 10, 1901.

In the matter of the application of Elias Downing for the enrollment of himself, his wife, Mary Ellen Downing, and his one child as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Elias Downing.  
Q What is your age? A About sixty years old.  
Q What is your postoffice address? A Chelsea.  
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 My wife and one child.  
Q What is your wife's name? A Mary Ellen Downing.  
Q How old is she? A She is about 38 years old.  
Q What is the name of your child? A Mary L. Downing.  
Q How old is she? A She is about 18.  
Q Do you apply to have your wife and child enrolled as Cherokee Freedmen? A Yes sir.  
Q Have you ever applied to any other nation or tribe? A No sir.  
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A I have been recognized so far as voting.  
Q Is your name on the roll of 1880? A No sir, I don't think it is.  
Q How about your wife. What was your wife's father's name? A Jane Martin.  
Q What was her mother's name? A Sarah Ann Martin.  
Q Were you a slave, Mr. Downing, before the war? A Yes sir.  
Q To whom did you belong? A At one time to Eliza Wright and after she died I belonged to Jim Bell.  
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where to? A To Texas.  
Q When did you return? A In 1866.  
Q Have you lived here ever since? A No sir, I went out in '67.  
Q And then when did you return? A I guess I stayed out - I don't know exactly - I don't exactly know the year I returned; it must have been a year longer.  
Q You have been living in the Cherokee Nation ever since you returned from Texas that time? A Yes sir.  
Q Were you married during the war? A No sir, I wasn't married then.  
Q Married since then? A I married since the war. I have been married twice.  
Q How old were you the time you went to Texas during the war? A I suppose I must have been about 16 or 17 years old.  
Q Do you recollect about how old you were when you returned? A I must have been twenty years old when I returned.  
Q You returned in '66 and remained one year and then went to Texas and remained a year and then returned? A Yes sir.  
Q And been living here ever since? A Yes sir.  
Q You say you were a slave of whom? A Eliza Wright and Jim Bell.  
Q Was your present wife the mother of your child, Mary L.? A Yes sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not identified thereon.

- Q Did you draw strip money? A No sir, nothing but the Wallace money.

The Wallace Roll of the Cherokee Nation examined and the name of the applicant is found on page 110, No. 2339, Elias Downing, Delaware District.

- Q Did you draw strip money for your wife? A Yes sir, wife and one child.
- Q Is your wife living? A Yes sir, she is living.
- Q Has she been living in the Cherokee Nation for the last twenty years? A Yes sir.
- Q Continuously? A Yes sir.
- Q Your child living? A Yes sir.
- W. E. Hastings: Who did you go to Texas with? A I went with Sam Couch.
- Q And you come back with Sam Couch? A No sir.
- Q You didn't come back with him? A No sir.
- Q You know M. W. Couch? A Yes sir.
- Q Did you know him in Texas? A Yes sir.
- Q Did you come back with him? A No sir, he come with-Pete come with Sam.
- Q And you come back after they did? A I come back before the first time. When I come in '86, I come before they did.
- Q Who did you come back with? A I come with a man that was driving cattle.
- Q What was his name? A I don't know his name; I knew it then, but I don't know it now.
- Q Just one man? A There was a dozen or so driving cattle.
- Q Do you remember any of them? A No, I don't remember any of them now.
- Q Where did you drive the cattle? A I drove them as far as Fort Gibson and I quit them there.
- Q Then where did you go? A To my father's.
- Q Where did he live? A East side of Grand River.
- Q You know he was living there? A I know it; when I come back I knowed him there.
- Q He didn't go to Texas? A No sir, he went North.
- Q And you went South? A Yes sir.
- Q Who did you see at Fort Gibson, you know? A I saw several there. I seen Wils Martin there.
- Q Then you come up to where your father lives? A Yes sir, come to my father's.
- Q How long did you stay there? A I stayed with him all that winter.
- Q About what time in the year did you reach your father? A I come up in the fall.
- Q Where was he living at the time? A He had bought a place below Bob Daniels' place and was living there.
- Q You weren't married then? A No sir, I wasn't married.
- Q You went back to Texas then again in the spring? A In the fall.
- Q That same fall? A The fall of '67.
- Q Did you go back to the same place you come from? A Yes sir, went back to the same place, right in the same neighborhood.
- Q How did you go back? A I went back horseback.
- Q You came up horseback? A Yes sir, when I come with these cattle I did.
- Q Did you see Pete or M. W. Couch then? A Yes sir, I did.
- Q Sam Couch? A Pete was here then; he started the next spring in '80.
- Q That was the next spring after you come up here? A And went back; yes.
- Q And Pete wasn't there when you get back? A Yes sir, he was.
- Q I thought you said he started up ———? A I said Pete was there when I got there in '67 and in '68, Pete was there.
- Q Did Couch marry some of your folks? A He married some of the Cherokee people; yes sir.
- Q Was their family related in any way to the people to whom you belonged? A Yes sir; there is a man sitting over there, Mr. Bell, he can tell you about it as much as I can.
- Q How long did you stay there then when you went back? A Probably

a year or longer.

Q Did you marry down there? A Yes, I married down there when I went back.

Q Who did you marry? A I married a woman that lived down there.

Q What was her name? A Phoebe.

Q Phoebe what? A Cobbins.

Q Did you have any children by her? A Yes sir.

Q What was the oldest one's name? A Jennie.

Q Where was she born? A She was born in Texas.

Q What was your next child? A Johnson.

Q Where was Johnson born? A He was born here.

Q How old is Jennie? A Oh, I don't know exactly how old she is.

Q To the best of your knowledge? A I never kept any close trace of her age.

Q Is she alive? A No sir, she is dead.

Q Where did she die? A She died over here on Pryor Creek in Coowesscoowee.

Q Did you bring your first wife here with you? A Yes sir.

Q Where did you come to when you come back here? A I come back to my father's.

Q Did he live near Island Ford? A Yes sir, in Delaware District.

Q Where have you been living since that time? A I lived in Delaware District a part of the time, and I been living in Coowesscoowee District about 22 years.

Q What part of Coowesscoowee? A Just above Chelsea about four miles.

Q With that exception after you came back from Texas the last time, you lived over here in Delaware in the neighborhood of your father?

A Yes sir, in Delaware.

Commissioner: You been living continuously in the Cherokee Nation since 1880? A Yes sir, I have been living here continuously.

Q Did you draw money for your wife? A Yes sir.

W. W. Hastings: Did you apply for yourself before the Kerns Clifton Commission for your own personal enrollment? A Yes sir.

Q Are you sure you drew for Mary, your wife? A Yes sir, she drew her money for herself and one child; she is here and can speak for herself.

Q Did she ever have any other name besides Martin and Downing?

A No sir.

Q Was she married to anybody else besides you? A Yes sir.

Q To whom? A To Jones. She is on the roll with Josh Downing.

The Kerns Clifton Roll examined and the names of the applicant and his wife not identified thereon.

The Kerns Clifton Roll examined and the name of the applicant's child is found on page 117, No. 2920, Mary Loney, Coowesscoowee District.

Elias Downing applies for the enrollment of himself, his wife, Mary E., and his child, Mary L. His name is not found upon the authenticated roll of 1880, but is found upon the Wallace Roll according to page and number of the roll as indicated in the testimony. He avers that his wife, Mary E. Downing, is the child of Jake and Sarah Ann Martin, and reference is made to the testimony taken in the application for enrollment of Sarah Ann Martin, on B Card 259, which testimony will be made a part of the record in this case. The name of his child, Mary L., is found upon the Kerns Clifton Roll. Consequently, for the reason that the name of the applicant is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, said Elias Downing, his wife, Mary E., and his child, Mary L., will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card for further consideration of the Commission. When the Commission arrives at the conclusion in this case, applicant will be notified of the same by mail.

4- N. D.

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.

*O. V. Reuberger*

Subscribed and sworn to before me this 11th day of May, 1901.

Commissioner,

*M. D. Green*  
Notary Public

To be filed in case of Elias Downing et al.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Vinita, I. T., May 10, 1901.

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

- Q What is your name? A Sarah Ann Martin.  
Q How old are you? A About 60 I guess.  
Q What is your postoffice address? A Chelsea.  
Q What district do you live in? A Cooweescoowee.  
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 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 It ought to be.  
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.  
Q How old is that one? A 19 years old.  
Q What is its name? A Ocie Martin.  
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

- Q What was your father's name? A Mike Martin.  
Q What was your mother's name? A Nellie Martin.  
Q What relation are you to Aaron Martin? A A sister.  
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Cooweescoowee District.

The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

- Q Were you a slave before the war? A Yes sir.  
Q To whom did you belong? A To John Martin.  
Q Was he a Cherokee by blood? A Yes sir.  
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where did you go to? A I went to Kansas.  
Q When did you return from Kansas? A In '86.  
Q Who did you come with? A With Annie Frey and Peter Williams.  
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.  
Q Was he a state man? A No sir.  
Q Is he living now? A No sir, he is dead.  
Q You came back in 1868? A Yes sir.  
Q Been here ever since? A Yes sir.  
Q Did you come back with Aaron? A Yes sir.  
Q. W. Hastings: What was your husband's name? A Jake Martin.  
Q He didn't come with you? A No sir.  
Q Did he come after you? A Yes sir.  
Q Did you remain down here after you come? A Yes sir.  
Q You never went back to Kansas? A No sir.  
Commissioner: Have you any witnesses here? A Yessir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Andy Frey.  
Q How old are you? A 68.

2- S.A.M.

- Q What is your postoffice? A Vinita.  
Q Are you, a Cherokee Freedman? A Yes sir.  
Q Acknowledged by the Cherokee Nation assuch? A Yes sir.  
Q Do you know Sarah Ann Martin here, the applicant? A Yessir.  
Q Was she a slave? A Yes sir.  
Q Whom did she belong to? A John Martin.  
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where did she go? A She went up in Kansas with the rest of them.  
Q When did she return? A In '66.  
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.  
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.  
Q When you returned from Kansas, she returned with you? A Yes sir.  
Q That was in 1866? A Yes sir.  
Q She has been living here ever since? A Yes sir.  
W. W. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.  
Q Her husband didn't come with her? A No sir, her husband didn't come.  
Q Her husband was Jake Martin? A Yes sir.  
Q She remained down here after she come? A Yes sir.  
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Filmore Hicks.  
Q Your age? A 53.  
Q What is your postoffice address? A Vinita.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood? A Yes sir.  
Q Do you know Sarah Ann Martin? A Yessir.  
Q The applicant here? A Yes sir.  
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.  
Q Where did you first see her after the war? A At Dr. Thompson's place.  
Q What year was that? A In the fall of '66.  
Q Have you known her ever since the fall of '66? A Yes sir.  
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.  
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.  
W. W. Hastings: You were eight years old? A I was 18 then.  
Q You are 53? A Yes sir.  
Q How many of her children did you see up there then? A Four.  
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.  
Q You saw them all up there? A Yes sir, I remember of seeing them all.  
Q How far was that from where you lived? A About 6 or 8 miles.  
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.  
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Frey; they all lived there.  
Q How long after she come down? A It hadn't been very long; the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.  
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.  
Q You and Aaron are brother and sister? A Yes sir.

3- S.A.M.

W. W. Hastings: Were you living with your husband in Kansas? A Yes sir.

Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.

Q How long after you came, did your husband come? A About a year.

Commissioner: Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.

Q Where is Ocie? A He is at home.

Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kansas Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D - 235, which will be made a part of her case at bar. When the Commissioner gives at the conclusion of your case, you will be notified by mail.

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.

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

  
Commissioner.



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To be filed in case of Elias Downing, et al, D 245, Cherokee Freedmen

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 16, 1901.

In the matter of the application of Johnson ~~Downing~~ for the enrollment of himself as a Cherokee Freedman:

ELIAS DOWNING, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Elias Downing.  
Q How old are you? A I am about 58 years old I suppose.  
Q What is your post-office? A Chelsea.  
Q You apply for enrollment a few days ago? A Yes sir.  
Com'r: His case is Cherokee Freedmen, D 245.  
Q Is this applicant here your son? A Yes sir.  
Q Have you a son named Joshua? A No sir.  
Q Who is that Joshua Downing intended for on the Kerns-Clifton roll in your family? A It must have been a mistake in taking the name when I give in Johnson's name.  
Q This is the only one it could be for? A Yes sir.  
Q This is all the son you have got? A Yes sir.  
Q All the son you had at that time? A Yes sir.  
Q So they just got it down Joshua instead of Johnson? A Yes sir, the mistake was made in that way.  
Q Do you know a man named Joshua Martin? A Yes sir.  
Q Does he live in your neighborhood? A Yes sir.  
Q About how old a man is he? A He is about 26 years old.  
Q What is the name of his wife? A Ella Martin.  
Q How many children have they? A Three as well as I recollect.  
Q Did you ever hear that that Johnson Martin drew Strip money that belonged to your son? A Yes sir, I was right there when he drew it, but it seemed like they had everything their way, and he drew it.  
Q He drew it under the name of Joshua Downing? A Yes sir.  
Q They seemed to think that Joshua Downing was more like Joshua Martin than it was Johnson Downing? A I guess so.  
Q What is the name of the father of this Joshua Martin who drew your son's Strip money? A George Bean is his father.  
Q What is the name of his mother? A Sarah Ann Martin.  
Q Is the father living? A No sir.  
Q Is the mother living? A Yes sir.  
Q What is the post-office of this Joshua Martin you are talking about? A Chelsea.  
Q How far is it from White Oak? A About four miles.  
A Well, White Oak might be his post-office? A Well, that might be

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:  
page 110 #2340 Johnson Downing, Delaware District.

- Q When did you marry your wife, Phoebe? A I married her I guess in '69, somewhere about that time.  
Q Was she your first wife? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Had she been a slave in the Cherokee Nation before the war?  
A No sir, not my first wife wasn't.  
Q Phoebe had not been? A No sir.  
Q Where did you marry her? A I married her in Texas.  
Q How long after you married her was it before you came to the Cherokee Nation? A Well, I came right after I married her.  
Q Whereabouts in Texas was it you married Phoebe? A In Ellis Co.  
Q You were a slave in the Cherokee Nation before the war? A Yes sir.  
Q And you were carried down to Texas during the war were you?  
A Yes sir.  
Q And you came back soon after your marriage, is that right?  
A Yes sir.  
Q Have you lived in the Cherokee Nation ever since you came back in 1867? A Yes sir, ever since I came back the last time, I

married in 1869 and I came back right afterwards, and I have been living in the Nation ever since.

Q Were you in Texas from the time you were carried down there during the war until you married in 1869? A No sir, I come up here in '66, and then went back down there again.

Q How long did you stay up here when you came in '66? A Oh I staid a year or such a matter.

Q And then went back down ~~in~~ into Texas? A Yes sir.

Q And staid there until you married? A Yes sir.

Q Where did you stay during the year you were up here, in '66?

A Staid with my father.

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

Q Give us your father's name? A Reuben Downing.

Q To whom did you belong in the Cherokee Nation at the time the war broke out? A Belonged to Eliza Wright.

Q Was she a recognized Cherokee citizen? A Yes sir.

Q Who is living at this time that you lived with besides your father when you came here in '66? A I was around there at Frye's and Crap Lynch.

Q Name some people that are now living? A Andy Frye and Crap Lynch.

Q What time in '66 did you come back to the Cherokee Nation?

A Well, it was sometime along in the spring or fall of '66.

Q What time of the year were you married in? A I disremember what time I was married in.

Q Was it spring? A That is, my first wife.

Q I mean your first wife, Phoebe. A I disremember what time of the year it was.

Q Did you vote down in Texas? A No sir, I didn't vote there.

Q When did your wife, Phoebe, die? A She is been dead about 21 years, or 22.

Q Did your son was quite young? A Yes sir, he was a little bit of a thing.

Q Where did she die? A She died down here in Delaware District on Grand River.

Q Did she live with you in the Cherokee Nation until she died?

A Yes sir.

Q From the time of your marriage until she died? A Yes sir.

Q And this son, was he born in the Cherokee Nation? A Yes sir, he was born here.

Q What was the occasion of your going back to Texas? A I used to go back, I had to work around and make a living, and I used to return there to work.

Q Did you make a crop in the Cherokee Nation when you came back, as you state in '66? A I staid with my father, he was cropping there.

Q Did you go back to Texas to make your home down there? A No sir, if I had I would have staid down there.

Q You came back to the Cherokee Nation in '66 to make your home?

A Yes sir, I was hunting my people.

Q But you didn't stay in the Cherokee Nation? A Well, I found them then I had other people back down there you know.

Q You had kinfolks back in Texas? A Yes sir.

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E. 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 of the testimony of Elias Martin, witness in said case.

*E. D. Green*

Subscribed and sworn to before me this May 17, 1901.

*E. D. Green*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VENTA, I. T., OCTOBER 3d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elias Downing as a Cherokee Freedman, introduced on part of Cherokee Nation

APPEARANCES:

Mr. Isaacs, Attorney for applicant;  
Mr. W. W. Hastings, of counsel for Cherokee Nation.

H. M. COUCH, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A H. M. Couch.

Q What is your age, Mr. Couch? A 43.

Q What is your father's name? A Sam Couch.

Q What was your mother's name? A Nancy.

Q What was your mother's maiden name? A Adair.

Q Do you know this colored man here, alias Downing? A Yes, sir.

Q Did he belong to some of your people? A Belonged to my mother.

Q Where did you go during the war? A Texas.

Q When did you return? A '68.

Q In the spring? A Yes, sir, we left there in the spring.

Q There was Elias Downing when you left Texas? A We left Elias there.

Q Was he married? A I think he was, I would not say for sure, I think he was married.

Q Were you ever back to Texas after that? A Yes, sir.

Q How long? A Along in '74 or '75, I went back there to school.

Q Was Elias down there then? A Yes, sir, I seen him.

Q You say he was? A Yes, sir.

Q Near what place in Texas? A Close to Milford, near Waxahachie; Milford was out post office.

Q Are you positive as to whether he was married when you went back there? A I think he was, I won't be for sure.

Q Do you know when he left down there? A No, sir.

MR. ISAACS: What are your initials? A H. M. Couch.

Q When did you go to Texas? A We went before the beginning of the war.

Q Well, what year was it you saw the applicant down there? A He was there all the time during the war, up until '68.

Q Did you see him regularly? A Yes, he was up to '68, at the close of the war he was around.

Q What part of Texas were you in? A In Ellis County.

Q What were you doing? A Living there with my folks.

Q Is the applicant any relation to you as a slave? A He belonged to my mother.

Q How many slaves did your mother own, do you know? A There was Elias, Alock, and Reach, David Reach's children, Alock and George.

Q I think you stated a while ago that you went to Texas yourself.

A I went back after we moved here, I went back there to school the children all went back.

Q How old were you when you first went to Texas? A About three years old.

Q And you say you remember the number of slaves your mother had there three years old? A I didn't say I remembered the number of slaves then, I remembered them in '68 and then we was there a while.

Q How old are you now? A 43.

Q Do you remember the year in which you first went to Texas?

A No, sir.

Q And you went back sometime in the '70s? A Yes, sir.

Q Did you see Elias Downing down there? A Yes, sir.

Q And you were about three years old the first time you went down there. A When we moved there I was small.

Q How did you happen to recollect the fact that the applicant was down there? A I didn't say that I recollect when we went there; up in the '70s I went back.

**CONF. NEEDLES:** Now you were three years old when you went there?

A Yes, sir.

Q What year did you go? A We went at the beginning of the war, I don't recollect just what year it was we went there.

Q Along about '61? (No response.)

Q How old were you in 1866 then? A I was about ten years old.

Q Do you recollect this man distinctly? A Yes, sir, he was around teaming for us, was a driver all the time.

Q Did he live with the family continuously from the time your folks took him down there until 1868? A To the best of my recollection, he was an ox driver and one time I remember him being around was when they went to Mexico.

Q You left there in the spring of 1868? A Yes, sir.

Q And went back in the spring of what year? A About '72 or '73.

Q Was this man Elias Downing there then? A Yes, sir.

Q Working for your people? A No, sir, he was there in the same neighborhood.

Q Your people didn't go back with you? A My people just lived here at the time, my mother lived here and my father's folks all lived there.

Q Your mother's folks come here in 1868? A Yes, sir, we moved up here in 1868.

Q When you went back there in 1872 or '73 Elias was still there?

A Yes, sir.

Q Was he in town or out in the country? A He was out in the country.

Q You saw him? A Yes, sir.

Q Recognized him? A Yes, sir.

Q You don't know whether he was ever in the Cherokee Nation in the meantime or not? A No, sir.

Q Do you know whether he was in the Territory before 1866 or not?

A No, sir.

**MR. ISAACS:** Did you miss him out of Texas in '66? A No.

Q Did you remember him, that is, having seen him in '66? A No, I would not be sure that I seen him there, they was freighting all the time and if he ever left I didn't know it. Of course they was gone over there to Mexico and back, it would take a good while to make the trip.

Q During the year '66 you were about five years old were you not?

A Yes, sir.

Q Do you remember anything about the applicant's age about '66?

A No, sir.

Q Was he married? A I wouldn't say for sure whether he was married or not. He was not married in '66.

**MR. HASTINGS:** You were born you say in 1856? A Yes, sir.

Q Well in '66 you would be eight years old wouldn't you, instead of five? (No response.)

**CONF. NEEDLES:** Is your mother living? A No, sir.

Q Father? A No, sir.

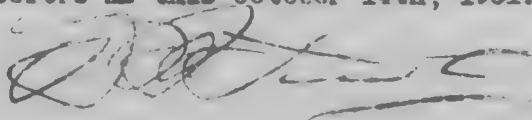
Q Have you any brothers or sisters older than you? A No, sir, I am the oldest child.

This testimony will be filed with the papers, and copy thereof will be filed with President Andrew Johnson, 1868, and 1869.

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 14th, 1901.



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Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I.T. July 27, 1904.

In the matter of the application of Elias Downing for the enrollment of himself and wife, Mary E., and child, Mary L. Downing as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

SOLOMON DOWNING, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Solomon Downing.  
Q How old are you? A I don't know, about 23 years I guess.  
Q Are you a Cherokee Freedman? A Yes sir.  
Q Have you married since you made application for enrollment?  
A Yes sir.  
Q What is the name of your wife? A Mary L. Downing.  
Q Is she a daughter of Elias Downing? A Yes sir.  
Q ~~XX~~ She has the same maiden name as you have? A Yes sir.  
Q When were you married? A About two years ago.  
Q Do you remember the date? A It was in February sometime.  
Q February what year? A 1902.
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Mary B. Risser, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of her stenographic notes therein.

Subscribed and sworn to before me  
this August 10, 1904.

*Mary B. Risser*

*James Forman*  
Notary Public.

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

In the matter of the application for the enrollment of Elias Downing,  
Elizabeth Jones and her three minor children, Flora, Rosether and  
Arrilous Jones; and Johnson Downing as Cherokee Freedmen. <sup>C78 215</sup>  
<sup>C77 246</sup>  
<sup>C78 805</sup>

M O T I O N F O R R E H E A R I N G.

Comes now the applicants, Elias Downing, Elizabeth Jones and her three minor children, Flora, Rosether and Arrilous Jones, and Johnson Downing, and move the Honorable Secretary of the Interior to remand the applications for the enrollment of Elias Downing et al., to the Honorable Commissioner to the Five Civilized Tribes for re-hearing and re-adjudication.

We request that only that part of the decision as refers to the applicants herein named be remanded for rehearing and we request that this Motion be not considered as applying to Mary E. Downing and her minor child, Mary L. Downing as they have been decided entitled to enrollment by the Commission and we do not represent them.

The letter of the Honorable Secretary of the Interior dated March 19, 1906 (D C 10945-1906; I T D 2686-1906; 17856-1905; 8523-1905; 8345-1905) affirming the decision of the Honorable Commissioner to the Five Civilized Tribes dated December 16, 1904, affirmed the said decision only as to Mary E. Downing and Mary L. Downing and the Honorable Secretary stated:

"In view if contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said Attorneys to file proper Motions for rehearing. The Attorneys have been advised hereof"

The applicants expect to prove by witnesses whose affidavits are hereto attached and by other witnesses who will be produced at the trial, in the event this Motion is allowed, that Elias Downing returned to the Cherokee Nation, Indian Territory about the month of August, 1866 and lived with his father on Grand River and that he and his brother, Rob Downing, helped their father to improve a farm upon the



public domain of the Cherokee Nation and to build them a Home; that they continued in this work and that in the Spring of 1867 they made a crop on Grand River and worked through the summer and fall of 1867 continuing their improvements and that in November, 1867 Elias Downing went to Texas for a while to get work; that while he was in Texas he continued to own his interest in the improvement that he and his father and brother had made upon the public domain of the Cherokee Nation; that he left his personal property including his saddle horse with his father, and owned this property during all the time he was in Texas; that he worked about from place to place in Texas wherever he could get something to do and that he married in Texas and came back to the Cherokee Nation as soon as he could arrange to get here after his marriage; that while he was in Texas he never voted or exercised any of the rights of citizenship in that State and always considered the Cherokee Nation as his Home; that he had no other Home except with his father in the Cherokee Nation, Indian Territory; and that when he returned to the Cherokee Nation after this trip to Texas he continued to live therein until the present date.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ( SS.  
WESTERN DISTRICT )

J. C. STARR, of lawful age being first duly sworn, on his oath says that he is one of the attorneys for the above entitled case and that this Motion is made in good faith and not for the purposes of delay but in order that justice may be done.

J. C. Starr

Subscribed and sworn to before me this 16th day of June, 1906.

Jessie Patten  
NOTARY PUBLIC.

My commission expires December 16, 1906.

A F F I D A V I T.

UNITED STATES OF AMERICA,)  
INDIAN TERRITORY } ss.  
NORTHERN DISTRICT }

On this 14 day of June, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Northern District of the Indian Territory, ZEB Downing, of lawful age, who being first duly sworn, on oath says:-

My name is Zeb Downing. My age is 56 years and my Post Office is Cotate, Indian Territory. I am ~~an~~ duly and lawfully enrolled upon the 1860 Roll of the Cherokee Nation. I am a brother of the applicant, Elias Downing. I know that Elias Downing returned to the Cherokee Nation, Indian Territory, about the same time that I did after the close of the Civil War in the year of 1866. My father, Reuben Downing, came to the Cherokee Nation in the fall of 1865. My father went North during the Civil War and Elias and I went South, but we were not located together down South. I came back in the summer of 1866 and went to ~~about~~ Grand River and made my Home with my father. My brother, Elias Downing, came back the same summer that I did and in a very short time after I did while it was yet hot weather and came to my father's place and made that his Home. Elias Downing lived with my father until November, 1867 when he left his personal property including his horse with my father and went to Texas to get work and was gone until he got married and then he returned immediately after his marriage and took charge of his personal property and made him a Home in the Cherokee Nation. During ~~the~~ summer, fall and winter of 1866 and the spring, summer and fall of 1867 Elias Downing and I, with our father, Reuben Downing, built a Home in the Cherokee Nation and made permanent, valuable and lasting improvements upon the Public Domain of the Cherokee Nation, which interest my brother, Elias Downing, owned during the time he was in Texas. I know that all of the property owned by my brother, Elias Downing, while he was in Texas, together with his saddle horse was in the care of my father during all of the time that Elias Downing was in Texas. I know that Elias Downing had a Home with him, my father, during all of the time he was in Texas and that he considered my father's place his Home.

Witness

Henry H. Byrd, Chelsea, I. T.  
F. A. Best

his mark  
ZEB X DOWNING

Subscribed and sworn to before me this 14th day of June, 1906.

J. W. SWARTS

NOTARY PUBLIC.

(SEAL)

My commission expires Nov. 20, 1908.

A F F I D A V I T.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ( SS.  
NORTHERN DISTRICT )

On this 14 day of June, 1906 personally appeared before me,  
the undersigned, a Notary Public duly commissioned and acting within  
and for the Northern District of the Indian Territory, JENNIE DOWNING,  
of lawful age, who being first duly sworn on oath says:-

"My name is Jennie Downing. My age is 55 years and my Post  
Office is Cotate, Indian Territory. I am duly and lawfully enrolled  
upon the 1880 roll of the Cherokee Nation, Indian Territory. I am ac-  
quainted with the applicant, Elias Downing, and I knew him in the year  
of 1866. I lived at that time within three miles of where he and his  
father, Reuben Downing, lived. I visited them often and I know that  
Elias Downing returned to the Cherokee Nation and made his home with his  
father, Reuben Downing, about the month of August, 1866; and that he  
continued to live with his father until about the month of November,  
1867, when he went to Texas to hunt work and that while he was gone to  
Texas he left personal property including his saddle horse with his  
father, and the horse was turned over to him after his return from Texas.  
I know that he helped his father build his home and make permanent,  
lasting and valuable improvements upon the Public Domain of the Cherokee  
Nation, Indian Territory, and that he kept his interest in said improve-  
ments during the time he was in Texas. I know that he went to Texas to  
hunt work, being a single man and he could not get any employment in  
our community at that time."

Jennie Downing

Subscribed and sworn to before me this 14 day of June, 1906.

J. W. SWANSE

NOTARY PUBLIC.

( 21 )

My commission expires Nov. 20, 1908.

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... JESSIE PATTEN.

(SEAL)

... commission expires Dec 31, 1901.

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A F F I D A V I T.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ) ss.  
WESTERN DISTRICT )

On this 9th day of June, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Western District of the Indian Territory, ELIAS DOWNING, of lawful age who being first duly sworn on oath says:

My name is Elias Downing. My age is 63 years and my Post Office is Chelsea, I. T. I am an applicant for enrollment as a Cherokee Freedman. I came to the Cherokee Nation after the war of the rebellion in the month of August, 1866 and made my Home with my father, Reuben Downing in the Cherokee Nation continuously from that time until November, 1867. My father was living at that time in Delaware District of the Cherokee Nation on Grand River and I was at that time a single man and made my father's place my Home. My brother, Zeb Downing and I, during the fall and winter of 1866 and the spring, summer and fall of 1867, helped my father, Reuben Downing, to make him a Home in the Cherokee Nation. We made this Home consisting of a log house and a farm with land in cultivation and under fence as our joint and common property. I worked with my father, Reuben Downing, and my Brother, Zeb Downing from about the month of August, 1866 on this farm until November, 1867. I could not get any work to do outside of working on this farm, and as we were very short of means and without money, I decided to go out and get work wherever I could and left my interest in this farm and improvements with my father to manage. I also left my horse and all of my personal property with him and went to Texas to work for wages. I left my father's place for Texas in 1867. I worked about in Texas from place to place staying at no particular place for any length of time getting work by the day and by the month wherever I could find work to do. I worked about in Texas until I married and then as soon as I could make arrangements to do so I brought my wife to the Cherokee Nation and got my horse and personal property from my father and went

to work and made me a place and settled down and have lived in the Cherokee Nation continuously since that time. I had personal property in the Cherokee Nation during all of the time I was in Texas and during all of the time I was in Texas up until the date of my marriage, which was about the time I left Texas, I was a single man and I had no home in Texas but had a home with my father in the Cherokee Nation and had my property in the Cherokee Nation with my father. I always refused to vote in Texas and never did reserve any of the rights of citizenship in that State because I desired to retain my rights of citizenship in the Cherokee Nation, Indian Territory.

His

ELIAS x DOWNING.

mark

Witness to mark,

J. C. STARK,

*Jessie Patten.*

Subscribed and sworn to before me this 9th day of June, A. D., 1906.

JESSIE PATTEN.

NOTARY PUBLIC.

(SEAL)

My commission expires December 16, 1909.

A F F I D A V I T.

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

On this 18th day of July, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Northern District of the Indian Territory, ELIAS DOWNING, of lawful age, who being duly sworn, on oath says:

My name is Elias Downing. My age is 63 years and my Post Office is Chelsea, I. T. I am an applicant for enrollment as a Cherokee Freedman. I came to the Cherokee Nation after the war of the rebellion in the month of August, 1866 and made my Home with my father, Reuben Downing, in the Cherokee Nation continuously from that time until November, 1867. My father was living at that time in Delaware District of the Cherokee Nation on Grand River and I was at that time a single man and made my father's place my Home. My brother, Zeb Downing, and I, during the fall and winter of 1866 and the spring, summer and fall of 1867, helped my father, Reuben Downing, to make a Home in the Cherokee Nation. We made this Home consisting of a log house and a farm with land in cultivation and under fence as our joint and common property. I worked with my father, Reuben Downing, and my Brother, Zeb Downing, from about the month of August, 1866 on this farm until November 1867. I could not get any work to do outside of working on this farm, and as we were very short of means and without money, I decided to go out and get work wherever I could and left my interest in this farm and improvements with my father to manage. I also left my horse and all of my personal property with him and went to Texas to work for wages. I left my father's place for Texas in 1867. I worked about in Texas from place to place staying at no particular place for any length of time getting work by the day and by the month wherever I could find work to do. I worked about in Texas until I married and then as soon as I could make arrangements to do so, I brought my wife to the Cherokee Nation and got my horse and personal property from my father and ~~went~~ to work and made me a place and est-



... tied down and have lived in the Cherokee Nation continuously since that time. I had personal property in the Cherokee Nation during all of the time I was in Texas and during all of the time I was in Texas up until the date of my marriage, which was about the time I left Texas I was a single man and I had no home in Texas but had a home with my father in the Cherokee Nation and had my property in the Cherokee Nation with my father. I always refused to vote in Texas and never did reserve any of the rights of citizenship in that State because I desired to retain my rights of citizenship in the Cherokee Nation, Indian Territory."

his  
RELIAS x DOWNING  
\_\_\_\_\_

Witnesses to mark:

\_\_\_\_\_ JAMES W. SWARTS

\_\_\_\_\_ JEWELL CLARK

Subscribed and sworn to before me this 18 day of July, 1908

(SEAL)

\_\_\_\_\_ JOHN T. HAZARD

NOTARY PUBLIC.

My commission expires Nov. 1, 1908.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ) 39.  
NORTHERN DISTRICT )

On this 1st day of August, A. D., 1906 personally appeared before me, the undersigned, ~~Assistant~~ <sup>United States Commissioner</sup> duly commissioned and acting within and for the Northern District of the Indian Territory, NELSON MOORE, of lawful age, who being first duly sworn, on his oath deposes and says:-

"My name is Nelson Moore. My age is 53 years and my Post Office is Ketchum, Indian Territory. I am acquainted with the applicant, Elias Downing and knew him in the year of 1866. During the Civil War I went to Kansas and returned, myself, in the fall of 1865 and I have lived in the Cherokee Nation continuously since then. I am a duly and lawfully enrolled Cherokee Freedman and have received my allotment of land. I am not related in any way to the applicant, Elias Downing, and I have no interest whatever in this case. I know that Elias Downing came to the Cherokee Nation in the <sup>Summer</sup> Spring of 1865, during hot weather, along about August of 1866 and that he made his home with his father, Nathan Downing, on Grand River until about November 1867 when he went across the line into the State and was accused of getting a little whiskey and introducing it into the Indian country and he thought the Marshalls were after him and he went on a scout, not taking time to come home and get his pony or any of his effects. He scouted around for several years and afterwards when he married he returned to the Cherokee Nation and has lived here ever since. The father of Elias Downing was Nathan Downing, a recognized citizen of the Cherokee Nation whose name appears upon the 1860 roll. He has a brother, Bob Downing, whose name is also on the 1860 roll."

Subscribed and sworn to before me this 1st day of August, A. D., 1906.

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

In the matter of the motion for a rehearing of the application for the enrollment of Elias Downing, et al., as Cherokee freedmen.

Reply of the Cherokee Nation.

The record in this case shows that Elias Downing made application to be enrolled as a freedman citizen of the Cherokee Nation on the 10th day of May, 1901, at Vinita, Indian Territory, and that he returned on the 16th day of May, 1901, and gave some supplemental testimony and the record further shows that he introduced witnesses, Allen Lynch and Andy Frye, and that he was denied by the commission to the five civilized tribes on the 16th day of December, 1904. Several motions for review have been filed in this case and forwarded to the Department for action. The testimony of the applicant and Andy Frye and Allen Lynch in the original case is to the effect that Elias Downing returned to the Cherokee Nation in 1866, but of course it was expected that these freedmen witnesses would all swear that. The record shows that Allen Lynch was impeached by a number of witnesses in the case of Freedmen Doubtful 493, being that of Mariah Johnson, wherein a number of his neighbors appeared before the commission to the five civilized Tribes and testified that his reputation for truth and veracity was bad and that they would not believe him upon oath. He has been a standing witness and the records show that he has testified in a large number of cases, very nearly all of which have been rejected by the commission to the Five Civilized Tribes and the Department upon appeal. The other witness, Andy Frye, has also been a standing witness and testified in a great number of cases and it will be noted in this case that while both attempt to swear along with Elias Downing that he came back in 1866, that is the only date they know. They claim that he was there only a short time and went away, but no amount of cross-examination or persuasion could possibly induce them to venture the date of his return the second time, except Allen Lynch would edge dangerously near to about "14 years about," which would make it somewhere around about 1880.

Now, in the motion for a new trial there is no allegation or any diligence whatever, but he claims now that he can prove by a brother of his and by his brother's wife, persons certainly within his knowledge, easy to get, and having had ample opportunity to get them, never attempted to get them before; of course ready to come and testify at any time, but he never sees fit to get them. Another peculiar circumstance to which your attention is specially invited, not strange of course to any one who has followed citizenship investigation in this country <sup>is</sup> for the first time Elias Downing's eyes are opened; he thinks it was necessary for him to have some property here to retain his citizenship, and he leaves a horse and some personal effects here to retain his citizenship while he went back down in Texas, what for? to hunt work. How improbably such a story! No railroad to Texas; the F. K. & T. R. R. did not build until 1872-3, and yet he himself says he went back in 1867. He does not state that he went in a wagon, and how improbable it was that he left a horse with his father and footed it to Texas some three or four hundred miles, and he a great big, doublefisted young man. Again, he says he was poverty stricken and had to hunt work, yet he claims now to have had a horse and abundance of personal property scattered about over the Cherokee Nation, leaving seeds of citizenship. This argument is certainly ludicrous. But lets see what he said about it when he was upon the stand a number of years ago--before he thought about leaving property in the Cherokee Nation to retain his citizenship. He claims in the last of his testimony given on May 10, 1901, that he came up to the Cherokee Nation hunting his folks, and he was asked this question:

"Q. But you did not stay in the Cherokee Nation? A Well, I found them, then I had other people sback down there, you know.

"Q. You had kin folks back in Texas? A Yes sir."

This was the milk in the cocconut. He never went to Texas for any work, and if Elias Downing, the principal applicant, ever came to the Cherokee Nation as testified by him W. M. Couch, it was for a very brief time and only on a visit. It is barely possible that he helped some one move to this country and he may have gone by his father's place upon Grand river, but that he did not actually remain there, that he did not settle there, the proof is too clear to argue. Now, W. M. Couch who has

no interest whatever in the result of this case, who is a man of high reputation, who would not of course do an injustice to this colored man, swears that Elias Downing belonged to his mother and that his mother's folks first left Texas in 1868, when he (M. M. Couch) was a boy 10 years of age, and he swears that they left Elias downing there in Texas. It was his old slave and he remembered seeing him there from time to time and says that he would take occasional trips. Now and then he would go to Mexico and be gone some little length of time, but only on trips. Now, M. M. Couch swears that he went back to Texas to school in 1872 and 1873 and that he found Elias downing living down there yet, and he does not know how long he continued to live there after that. Now, Elias Downing admits that he was married to Phoebe, his first wife, in Texas in 1869, and he admits that his first child was born there, which corroborates M. M. Couch, that he was there, but he swears that he came immediately to the Cherokee nation. Now, this is not true, because in 1872 or 1873, when Couch went back to Texas to school Elias Downing was still there and how long he continued to live there after that Couch does not know. But anyway we never can find him in the Cherokee Nation until sometime about the year of 1880.

Congress ~~xxxx~~ by the Act of April 26, 1906, Section 3, directed the Department of the Interior to enroll only such freedmen applicants who were actual personal bona fide residents of the Cherokee Nation August 11, 1866, or who actually returned and established such residence in the Cherokee Nation on or before February 11, 1867.

Can it be said from this testimony that this man, who was seen in Texas in 1868, and who was not missed up to that time, and who was found in Texas upon the return of his young master in 1872 or 1873, who was married in Texas in 1869, who admits that he was there when his first child was born, we ask can it be said that this testimony shows that this applicant actually returned and established a bona fide residence in the Cherokee Nation prior to February 11, 1867.

We submit that there is nothing new in the affidavits attached; Elias Downing has twice taken a swear at his own case; he stated about everything

on two different occasions that he knew about his case, except that his memory is now refreshed about leaving a horse here and the vast amount of personal property and an interest in a farm in order to retain his citizenship, although he was poverty stricken and had to hunt work elsewhere. We submit that this motion filed does not show any diligence whatever. We submit furthermore that all of the decisions are to the effect, particularly where relatives were desired to be used as witnesses upon motions for new trials, that a greater amount of diligence must be shown or an explanation made why they were not used upon a former trial when they could have been used.

In the case of *Burris versus Wise*, 2 Ark. 33, the court goes into the question of the requisites of a motion for a new trial at great length and among them holds that in order to entitle a party to a new trial the affidavit must show first, what diligence was used in the preparation of the case for trial, and second, that the testimony is not cumulative to that theretofore introduced, and third, that it would likely change the result of the trial. This decision is supported by a long line of decisions by the Supreme court of the state of Arkansas and among them we cite the following:

2 Ark. 49, 3 Ark. 335, being the case of *Olmatoad versus Will*, wherein the court very lucidly and concisely sets forth the requisites of a new trial. In harmony with the decision in 2 Ark. 33, attention is also invited to the cases of 5 Ark. 235; 5 Ark. 405; 10 Ark. 558; 11 Ark. 571; 13 Ark. 360; 17 Ark. 403, and this is a particularly strong opinion setting forth in detail the requisites of a motion for a new trial. We desire to cite also 25 Ark. 49; 25 Ark. 334; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 38 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 461; 84 Southwestern 72d.

In *Cherokee Allowment 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 a 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:

Moore versus Larney, Case No. 49:

"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." Citing 6 L. D. 9; 7 L. D. 186; 10 L. D. 483; 18 L. D. 31; 19 L. D. 543.

Where has any diligence been shown in this case? None is attempted to be shown. Ample opportunity has been afforded the applicants to introduce their testimony and they introduced such as they thought pertinent. They have been represented by attorneys who have filed numerous motions for the past two or three years in this case, and now after for five years has elapsed after the making of the original application the applicants can forward and show to the Department of the Interior that they overlooked the very valuable testimony of the brother and his wife. Certainly the Department will have little patience with this showing; certainly it cannot be said that it is in good faith; certainly no stronger case will be made than that heretofore, and in view of the recent Act of Congress hereinabove cited, being section three of the Act of April 26, 1906, to the effect that only those who actually returned and established a bona fide residence in the Cherokee nation prior to February 11, 1867, should be enrolled, and in view of the testimony of M. M. Couch to the effect that he never missed him before 1868 in Texas; that he was there when he returned some four or five years later; and that he left him there when he (the witness) left Texas and in view of the other circumstances that these other witnesses do not see him in the Cherokee nation for a number of years and in view of the fact that they will not give any date-----we say in view of all these facts that it not only tends to show, but does conclusively show that the principal applicant, Elias Downing, did not establish a permanent residence in the Cherokee Nation until some time about the year 1880, and therefore there is no merit in this motion and we trust the Department will not put the Cherokee Nation to the expense of having to send to Texas in order to get

additional witnesses to corroborate the statements made by W. W. Couch, because if this motion is allowed that is what it will result in.

In the letter of the Department of March 19, 1906 (D.C. 10945-1906), the department reviewing this case and the affidavits filed in connection with it says:

"It is claimed by Elias Downing that he came to the Cherokee Nation from Texas in 1866 and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, however, that he returned to Texas in 1866, where he was married and remained for some length of time. The testimony for the Nation shows that he was there as late as 1873 or 1874. The Department does not feel warranted in ordered a rehearing upon the showing made."

We submit that no stronger showing is made now in the motion for rehearing than was made at that time and no additional reason is given. For the reasons hereinabove set forth we respectfully submit that the motion for rehearing should be denied, and that the decision of the Department rejecting the applicants should be affirmed.

Respectfully submitted,

Attorney for the Cherokee Nation.



CC. COPY.

Cherokee Freedmen  
D-245, et al.

Muskogee, Indian Territory, December 16, 1904.

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

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing and rejecting the applications for the enrollment of Elias and Johnson Downing and Elizabeth, Flora, Rosether and Arrilous Jones, as Cherokee Freedmen.

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

Respectfully,

SIGNED

*Tamc Pixou.*

Chairman.

Encl. 09-55.

Cherokee Freedman  
D-245.

Muskogee, Indian Territory, January 7, 1905.

Elias Downing,  
Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, rejecting, among others, the application for the enrollment of yourself, and granting the application for the enrollment of your wife, Mary E. Downing, and your daughter, Mary L. Downing, as Cherokee Freedmen. 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.

Respectively,

Encl. L-64.

Register.

*Jame Birby.*  
Chairman.

COPY.

Cherokee Freedman  
D-243.

Muskogee, Indian Territory, January 7, 1905.

A. S. McRea,

Attorney for Elias Downing et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, rejecting, among others, the application for the enrollment of

Elias Downing, and granting the application for the enrollment of Mary E. and Mary L. Downing, 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.

Respectively,

Encl. L-652

*James Dixby.*  
Chairman.

Cherokee Freedmen  
D-245 et al.

Muskogee, Indian Territory, January 7, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Elias Downing et al., including the Commission's decision, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing, and rejecting the application for the enrollment of Elias and Johnson Downing; Elizabeth, Flora, Rosether, and Arrilous Jones, as Cherokee Freedmen.

Respectfully,

*Tamm Dixby.*  
Chairman.

Encl. I-45.

Through the  
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-215.

Muskogee, Indian Territory, February 3, 1905.

Elias Downing,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of January 17, relative to your enrollment as a Cherokee freedmen.

In reply you are advised that the Commission's decision rejecting your application for enrollment as a Cherokee freedman, was forwarded, on January 7, 1905, to the Secretary of the Interior for his review and decision. You are further advised that the Commission has not yet been advised of any departmental action in this case.

Respectfully,

*Tamc Dink*  
Chairman.

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2224-1905.  
10111-1905.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself and her three minor children, Flora, Rosetha and Arrilous Jones; and by Johnson Downing for himself.

December 16, 1904, the Commission decided favorably to Mary E. Downing and Mary L. Downing and adversely to all the others.

The record shows that Elias Downing was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that Mary E. Downing wife of Elias Downing was born during the rebellion and is the daughter of one Sarah A. Martin who was the slave of a Cherokee citizen at the beginning of the war; that during the war she went out of the Cherokee Nation and returned to said Nation prior to February 11, 1867, and that her child Mary E. Downing, returned with her; that Mary L. Downing was born since 1864 and is the daughter of Elias Downing and

his wife, Mary F. Downing and claims right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866 and are the children of Eliza Franklin and Elsie Downing and claim their right to enrollment through their father and said Eliza Downing, their mother also being no rights to enrollment; that the applicants, Eliza, Susan and the Applicant, are the children of Eliza Franklin and Elsie Downing and claim enrollment right through their mother. It further appears that Mr. F. Downing was born in 1866 and since that date actively.

None of the names of the applicants are found on the 1866 census of Cherokee Hill.

It is also enclosed herewith by Eliza and Fulmer, attorneys for the applicants that the decision of the Commission is favorable which has received due consideration.

In view of the record the approval of the Commission's decision favorable to Mary F. Downing and Mary L. Downing and adverse to all the other applicants is recommended.

Very respectfully,

C. J. Lippard

Acting Commissioner.

v. 117.

D. C. 52991-1905.  
I.T.D. 2686-1905.  
LRS

Y.P.  
PHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 21, 1905.

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

Sir:

The Commission to the Five Civilized Tribes stated in its decision of December 16, 1904, in the Cherokee freedman case of Elias Downing, et al. (D-245-246-308), that it had decided in favor of Sarah A. Martin (D-239), the mother of Mary E. Downing. It was therefore held that Mary E. Downing and her daughter, Mary L. Downing, were entitled to enrollment.

It is requested that you advise the Department as to the status of the case of Sarah A. Martin.

You are advised that a motion for rehearing in the case of Elias Downing, et al., was received with Indian Office letter of March 16, 1905. The motion was made by certain of the applicants.

Respectfully,

(Signed) Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.



Muskogee, Indian Territory, December 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 21, 1905 (I.T.D. 2086-1905), asking to be advised the status of the citizenship in the Cherokee Nation of Sarah A. Martin (D 231), in connection with the application for the enrollment of Elias Downing, et al., (D 245, 246, 303), you are advised that the name of said Sarah A. Martin is included in a schedule of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3736.

Respectfully,

Is

Acting Commissioner.

Through the  
Commissioner of Indian Affairs.

COPY

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97597-1905.

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

December 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of November 21, 1905, I.T.D. 2686, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, dated December 2, 1905, saying that the name of Sarah A. Martin appears upon a partial roll of Cherokee freedmen approved by the Department November 16, 1904, at No. 3738.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

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of 1866. It is claimed by Billie Townin that he came to the  
Cherokee nation from Texas in 1864, and was there until 1871,  
but the testimony is very unsatisfactory on that point. He  
admits, however, that he returned to Texas in 1866, where he  
remained and remained for some length of time. The testimony  
concerning the nation does not have a bearing on the 1871-72.

The report of the committee of the Cherokee nation  
concerning the case of the late John J. Townin, dated  
January 12, 1872, is a very interesting document and is  
entirely in accordance with the facts as stated above.

It is also noted that the Cherokee nation  
did not receive any notice of the case until after the  
expiration of the term of the court in 1872, and that  
the case was then closed.

The committee of the Cherokee nation  
also stated that the case was closed in 1872, and  
that the Cherokee nation did not receive any notice  
of the case until after the expiration of the term  
of the court in 1872.

It is also noted that the Cherokee nation  
did not receive any notice of the case until after  
the expiration of the term of the court in 1872,  
and that the case was then closed.

The committee of the Cherokee nation  
also stated that the case was closed in 1872,  
and that the Cherokee nation did not receive any  
notice of the case until after the expiration of  
the term of the court in 1872.

Through the Commissioner  
of Indian Affairs  
Washington, D. C.

Thos. J. [unclear]  
First Assistant Secretary

Wadagee, Indian Territory, August 24, 1906.

The Honorable,

The Secretary of the Interior.

SIR:

On March 19, 1906 (I.T.D. 2686, 17856, 8523, 8345-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary K. and Mary L. Downing, and rejecting the application for the enrollment of Elias Downing, Elisabeth, Flora, Rosether and Arrilous Jones and Johnson Downing, as Cherokee freedmen, insofar as the same was favorable to said Mary K. and Mary L. Downing, and advised "in view of contemplated legislation, the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing."

The Department, on November 21, 1906 (I.T.D. 2686-1906), advised that there had been filed a motion for a review of the case of Elias Downing, et al, and in its letter of March 19, 1906, the Department states that in said motion it is requested that "if the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing." The Department also states

Secretary--2.

that certain affidavits are filed in support of said motion "which merely go to show that Elias Downing, through whom the rejected applicants claim, was in the Indian Territory late in the fall of 1866. It is claimed by Elias Downing that he came to the Cherokee Nation from Texas in 1866, and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, however, that he returned to Texas in 1866, where he married and remained for some length of time. The testimony for the nation shows that he was there as late as 1873 or 1874." The Department further states that it does not feel warranted in ordering the rehearing upon the showing made, and that on January 15, 1905, "it having before it two motions for review in the case filed by the same attorneys, of which you were informed on that date, said attorneys were advised that they would be allowed time to file motions for rehearings in this and numerous other Cherokee freedmen cases." All of said motions were denied by the Department.

On June 25, 1906, there was filed with this office by Starr and Patten, attorneys for applicants, a motion for a rehearing of said case insofar as the decision of the Commission is adverse to the applicants. There are filed in support of this motion, affidavits by the applicant, Elias Downing, Jennie Downing and Zeb Downing. There was received from said attorneys with their letter of July 20, a separate affidavit by the applicant, Elias Downing, which they requested

be filed in support of the said motion, and with their letter of August 2, said attorneys transmitted an additional affidavit by Nelson Moore, which they also requested to be filed in support of said motion.

Said attorneys in their letter to this office of August 3, referring to Departmental letter of June 5, 1906, (I.T.D. 6249-1906), alleged to have been addressed to the applicant, Elias Downing, at Chelsea, Indian Territory, quote as follows: "You now allege that your father's name appears upon the 1880 Cherokee Roll. It no where appears in the record in the case that this is true. The Commissioner to the Five Civilized Tribes will inform you, upon proper application, if his name appears upon that roll . . . You should therefore take prompt action if you desire a rehearing in your case".

The attorneys request that with the transmittal to the Department of the motion, this office advise whether or not the name of Reuben Downing, father of said applicant Elias Downing, is identified upon the Cherokee authenticated roll of 1880.

The Cherokee Nation protests against a rehearing being granted in this case, and its protest, the motion for a rehearing, and the affidavits above referred to, are enclosed herewith.

There is nothing to show that the evidence now sought to be introduced is newly discovered or that with due

Secretary--4.

deligence it could not have been secured when the case was heard before the Commission. The statements contained in the motion and affidavits attached when considered in connection with the original record in the case, fail to show that that the motion is of merit and is not made for the purpose of delay.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motion be denied.

The name of Reuben Downing, alleged father of Elias Downing, is identified upon the authenticated roll of 1880, page 243, No. 696, Delaware District, as an adopted colored citizen, aged 65 years, marked "dead."

Respectfully,

Encl.M.A.24-4.

Acting Commissioner.



Cherokee Freedman  
D 246.

Muskogee, Indian Territory, August 24, 1906.

Starr and Patten,  
Attorneys for Elias Downing, et al,  
Vinita, Indian Territory.

Gentlemen:

Referring to your letters of July 20 and August 2, 1906, you are advised that affidavits transmitted by you of Elias Downing and Nelson Moore to be filed in support of a motion for a rehearing in the Cherokee freedman case of Elias Downing, et al, have been received. Receipt is also acknowledged of your letter of August 3, requesting that early attention be given the motion filed by you in said case, and asking that with the transmittal of your motion to the Department, this office advise whether or not the name of the father of Elias Downing is identified upon the Cherokee authenticated roll of 1880.

You are advised that your motion, together with the affidavits in support thereof, has this day been forwarded to the Department for consideration and action thereupon.

The name of Reuben Downing, father of Elias Downing, is identified upon the Cherokee authenticated roll of 1880, and the Department has been advised thereof.

Respectfully,

M.A.

Acting Commissioner.

(COPY)

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74169-1906

DEPARTMENT OF THE INTERIOR,  
Office Of Indian Affairs,  
WASHINGTON.

October 4, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 19, 1906, I.T.D. 8345-1905, granting the application for the enrollment of Mary E. and Mary L. Downing and rejecting the application for the enrollment of Elias Downing, Elizabeth, Flora, Rosether, and Arrilous Jones, and Johnson Downing, as Cherokee freedmen, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes relative to the subject.

The Department informed the Commissioner that in view of contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing.

The Acting Commissioner says that on November 21, 1905, the Department advised the Commissioner that there had been filed a motion for a review of the case of Elias Downing, et al, and that in Department letter of March 19 last it is said that:

If the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing.

The Acting Commissioner reports that on June 25, 1906, there was filed in the office of the Commissioner by Starr & Patten, attorneys for the applicants, a motion for rehearing in the case so far as the decision of the Commission is adverse to the applicants; that there was filed in support of this motion affidavits by Elias, Jennie and Zeb Downing; that there was received from the attorneys on July 20, a separate affidavit made by Elias Downing which they requested be filed in support of the motion; and that their letter of August 2, the attorneys transmitted an additional affidavit by Nelson Moore which they also requested be filed in support of the motion.

These attorneys refer to Department letter of June 5, 1906, alleged to have been addressed to Elias Downing, and quote therefrom as follows:

You now allege that your father's name appears on the 1880 Cherokee roll. It no where appears in the record in the case that this is true. The Commissioner to the Five Civilized Tribes will inform you, upon proper application, if his name appears upon that roll . . . . You should therefore take prompt action if you desire a rehearing in your case.

The Cherokee Nation protests against a rehearing being granted and the Acting Commissioner concludes his report by saying that the name of Reuben Downing, alleged father of Elias Downing, is identified on the authenticated roll of 1880, page 243, Delaware District, as an adopted colored citizen, age 65 years, marked "dead."

There is nothing in the papers enclosed which shows or has any tendency to show that the newly discovered evidence sought to be introduced could not, by due diligence, have been secured when the case was heard before the Commission, and it does not seem to have merit and it is probably made for the purpose and with the intention of delaying the final determination of the case. The denial of the motion is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAV-GH

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D.C.2219-1907  
I.T.D.2686-1905  
17856-  
19656-1906

LRS

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

January 7, 1907.

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

Sir:

On October 4, 1906 (Land 75169), the Indian Office transmitted your report dated August 24, 1906, in the matter of a motion for rehearing in the Cherokee freedman enrollment case of Elias Downing et al.

The Cherokee Nation protests against a rehearing being granted in this case.

You consider that the motion is without merit and recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered the motion for rehearing in connection with the record in the case. The evidence now sought to be introduced could apparently, by diligence, have been secured when the case was originally heard. It is not considered that sufficient reason is shown for a further hearing in the case, and said motion is hereby denied.

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

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

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**Cherokee Freedman**

D 245

**Muskegee, Indian Territory. January 17, 1907.**

**Elias Downing,**

**Chelsea, Indian Territory.**

**Dear Sir:**

You are hereby advised that the motion for rehearing  
of your Cherokee Freedman enrollment case was denied by the  
Secretary of the Interior January 7, 1907.

**Respectfully,**

**E.R.C.**

**Commissioner.**



Cherokee Freedman  
D 245

Muskogee, Indian Territory. January 17, 1907.

Blue & Bulger,  
Attorneys for Elias Downing,  
Baxter Springs, Kansas.

Gentlemen:

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You are hereby advised that the motion for rehearing of the Cherokee Freedman enrollment case of Elias Downing filed by you June 25, 1906, was denied by the Secretary of the Interior January 7, 1907.

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

Respectfully,

E.R.C.  
Enc. E.C. - 2.

Commissioner.

Cherokee Freedman  
D 245

Muskogee, Indian Territory. January 17, 1907.

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

Dear Sir:

You are hereby advised that the motion for rehearing  
of the Cherokee Freedman enrollment case was denied by the  
Secretary of the Interior January 7, 1907.

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

Respectfully,

B.R.C.  
Enc. B.C. - 1

Commissioner.

Muskogee, Indian Territory, January 29, 1907

DIRECT.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of January 7, 1907 (I.T.D. 2686-17656-1906, 19656-1906), acknowledging receipt of its report of August 24, 1906, transmitting a motion for rehearing in the Cherokee freedmen enrollment case of Elias Downing, et al., and denying said motion.

The decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing as Cherokee freedmen, and rejecting the applications of Elias Downing and Elizabeth, Flora, Beesether and Arrilous Jones and Johnson Downing, as Cherokee freedmen, was affirmed by the Department, March 19, 1906 (I.T.D. 8523, 8348-1906), insofar as it enrolled Mary E. and Mary L. Downing. The Department in its letter of March 19, 1906, stated that

Secretary-2

certain motions for review and rehearing had been filed ; that " the motions are all denied ," and that "in view of contemplated legislation the case as to the other applicants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing."

The motion transmitted by the Commissioner August 24, 1906, applies to all of the applicants in the case to whom the Commission's decision was adverse.

Although the Department makes no reference in its letter of January 7, 1907, as to whether it approves the Commission's decision adverse to said applicants, it is believed, in view of the Department's action in denying the motion transmitted August 24, 1906, to approve said decision.

In order that the case may be properly disposed of, it is respectfully recommended that the Department further consider the case and advise the Commissioner of action thereon as early as practicable.

Respectfully,

L. M. B.

Commissioner

DEPARTMENT OF THE INTERIOR,  
Washington.

LLB

L R S

I.T.D.2168-1907.

February 14, 1907.

Direct.

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

Sir:

The receipt is acknowledged of your communication of January 29, 1907, requesting certain information in regard to departmental action dated January 7, 1907, in the matter of a motion for rehearing in the Cherokee freedman case of Elias Downing et al.

You are informed that departmental letter of January 7, 1907, was intended to deny all applicants in the Cherokee freedman case of Elias Downing et al., except Mary E. and Mary L. Downing, heretofore enrolled.

You are now advised that your decision adverse to the applications of Elias Downing, Elisabeth, Flora, Rosetha, and Arrileus Jones, and Johnson Downing for enrollment as Cherokee freedmen is hereby affirmed.

Carbon copy has been sent to the Indian Office.

Respectfully,

Signed Theo. Ryan,

First Assistant Secretary.

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2-15-07.

Cherokee  
D 245

COPY

Muskogee, Indian Territory, March 4, 1907.

Elias Downing,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the  
~~Commission to the five Civilized Tribes, dated December 16, 1904,~~  
denying your application for enrollment as a Cherokee freedman  
was affirmed by the Secretary of the Interior, February 14, 1907.

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

Respectfully,

Encl. HJ-5.  
HJC

SIGNED *Tams Bixby*  
Commissioner.

Cherokee  
D 245 et al.

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation;

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the  
~~Commission to the Five Civilized Tribes, dated December 16, 1904,~~  
denying the applications for the enrollment of Elias Downing, et al.,  
as Cherokee freedmen was affirmed by the Secretary of the Interior,  
February 14, 1907.

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

Respectfully,

Encl. HJ-8.  
HJC

*Samuel O. Davis*  
Commissioner.

B.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED  
1871

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*[Faint handwritten mark]*



1245

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 14, 1901*  
Post Office *Chilcuss & T.*  
District *000*

1. Name *Elias Downing* Age *60*  
Owner's name *James Bell* Citizenship  
Year *1860* Page *110* No. *2399* District *Del.*

Parents:  
Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife *Mary E. Downing* Age *38*  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year *1860* Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:  
Father *John Martin - dead* Citizenship \_\_\_\_\_  
Mother *Sarah A. " - living* Citizenship \_\_\_\_\_

Names of Children:

- 3. *Mary L. Downing* Year *1860* Page *117* No. *2900* Dist. *18*
- 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 *Mrs. Mary Loney* Stenographer *E. Rothberger*  
*3 Cert. Roll as*

*X Ref W 239*

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of Elias

Nawwila

for enrollment as a Cherokee Freedman.

No. F. D. 242<sup>2</sup>

Henry Pack, of lawful age, being duly sworn on oath states that on the 12 day of September, A. D., 1901, he registered to Elias Nawwila whose postoffice is Chelsea

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fork Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Elias Nawwila, showing that he had received said notice.

Subscribed and sworn to before me on this the 20 day of Sept, A. D. 1901.

Henry Pack

E. L. Lewis  
Notary Public.

INDIAN TERRITORY,  
CHEROKEE NATION.

Thereby certify that I received 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,  
SOUTHERN DISTRICT.

Thereby certify that I received the within  
copy of the within notice on

the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Subscribed and sworn to before me on  
this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

# NOTICE!

*IN THE MATTER OF* The application of *Elias Downing*  
for enrollment as a Cherokee Freedman:

Case No. F. D. *245*

To *Elias Downing Chelsea*

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 2d* 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 *12<sup>th</sup>* day of *Sept* 1901.

*L B Bell.*

*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. Elias Downing,

Chelsea, I.T.  
Cherokee F-D-245  
Register.

TAMS BIXBY,

T. B. NEEDLES,

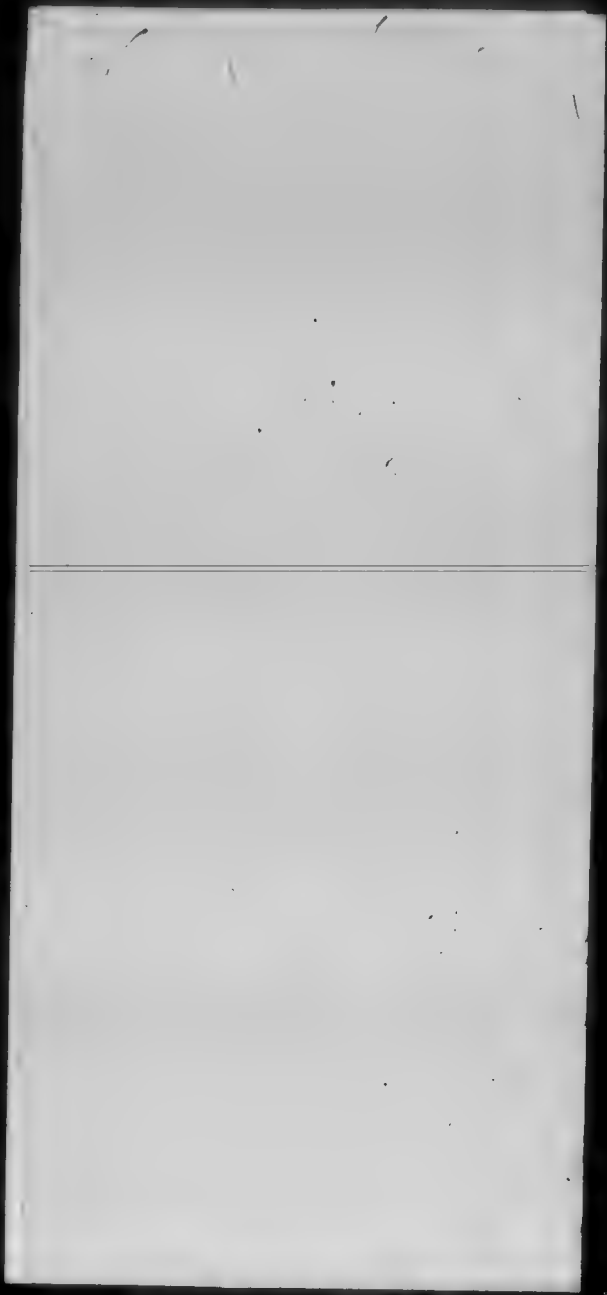
C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 850

Trans. from C. Fr. D. 246

Cher. Fr. R. 850



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 10, 1901.

In the matter of the application of Elizabeth Jones for the enrollment of herself and two children as Cherokee Freedmen.

Elizabeth Jones, being duly sworn and examined by the testimony heretofore testified as follows:

- Q What is your name? A Elizabeth Jones.  
Q How old are you? A I am about 34 years old.  
Q What is your post office? A Talala.  
Q What district do you live in? A Coover's district.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Two children.  
Q What are the names of your children? A Flora Jones.  
Q How old is Flora? A 5 years old.  
Q The next child? A Rosether Jones.  
Q How old is Rosether? A She is 2 years old.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Willie Jones.  
Q Is he a citizen? A No, sir.  
Q What is your father's name? A Elias Downing.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Phoebe Downing, who is dead.  
Q Is your name upon the roll of 1880? A No, sir.  
Q How long has your mother been dead? A About 30 years I guess.  
Q You know whether her name is on the roll of 1880 or not?  
A No, sir, I don't; she is not on there I don't think.  
Q The 1880 authenticated roll of Cherokee Freedmen examined and the applicant identified ~~thereon~~ not identified thereon.  
Q The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.  
Q Do you ever strip money? A Yes, sir.  
Q The Burns-Clifton roll examined and the applicant identified thereon, page 117, No. 2919, Coover's district.  
Q Where were you born? A In the Nation on the Grand River.  
Q Have you always lived in the Nation? A Yes, sir.  
Q Are these children living at this time? A Yes, sir, they are living.  
By W.F. Hastings- What place in the Nation were you born? A On Grand River.  
Q On whose farm? A I don't know whose farm.  
Q You have lived in the Cherokee Nation all your life? A Yes, sir, never was in the states in my life.  
Q Where were you married? A On Bryan Creek.

Complied over: Elizabeth Jones applies for the enrollment of herself and two children. She avers that that she is the child of Elias and Phoebe Downing. Her name is not found upon the authenticated roll of 1880, neither is the name of her father and mother upon said roll. She avers that she is married to one Willie Jones, a non citizen, by whom she has two children, Flora and Rosether. The applicant is identified upon the Burns-Clifton roll as Elizabeth Jones. The names of her children do not appear upon any roll, they having been born after said rolls were compiled. She makes satisfactory proof as to residence. Reference is made to the testimony taken in the application of Elias Downing, Cherokee Freedman Card D-246, her father, for enrollment, and said testimony will be made part of the record in the case now under consideration. Elizabeth Jones and her two children, Flora and Rosether, will be listed for enrollment as Cherokee Freedmen upon a doubtful card for further consideration by the Commission. It will be necessary to file with this Commission satisfactory proof of the birth of said children, their names not appearing upon the rolls.



Elizabeth Jones - 2.

Bruce S. 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 S. Jones

Sworn to and subscribed before me this the 11th of May, 1901.

*M. Green*

*Notary Public*

~~Witness~~

Q He had some children when he came to there? A He had one at

two, I don't just remember.

Q Do you remember how old they were? A No, sir, I can't remember

how large they were.

Q You know he was gone some time down in Texas when he went  
back after the war? A Yes, sir, I think he went out to visit before

he went off, I don't say what time when he went.

Q Do you know who he came up here with when he first came?

A No, sir, the first time I saw him I saw him at his place.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 10, 1901.

In the matter of the application of Elias Downing for the enrollment of himself, his wife, Mary Ellen Downing, and his one child, as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Elias Downing.  
Q What is your age? A About sixty years old.  
Q What is your post office address? A Chelsea.  
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 My wife and one child.  
Q What is your wife's name? A Mary Ellen Downing.  
Q How old is she? A She is about 38 years old.  
Q What is the name of your child? A Mary L. Downing.  
Q How old is she? A She is about 18.  
Q Do you apply to have your wife and child enrolled as Cherokee Freedmen? A Yes, sir.  
Q Have you ever applied to any other nation or tribe? A No sir.  
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A I have been recognized so far as voting.  
Q Is your name on the roll of 1860? A No sir, I don't think it is  
Q How about your wife? What was your wife's father's name? A Jake Martin.  
Q What was her mother's name? A Sarah Ann Martin.  
Q Were you a slave, Mr. Downing, before the war? A Yes sir.  
Q To whom did you belong? A At one time to Eliza Wright, and after she died I belonged to Jim Bell.  
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.  
Q Where to? A To Texas.  
Q When did you return? A In 1866.  
Q Have you lived here ever since? A No, sir, I went out in '67.  
Q And then when did you return? A I guess I stayed out + I don't know exactly - I don't know exactly know the year I returned: it must have been a year longer.  
Q You have been living in the Cherokee Nation ever since you returned from Texas that time? A Yes, sir.  
Q Were you married during the war? A No sir, I wasn't married then.  
Q Married since then? A I married since the war. I have been married twice.  
Q How old were you the time you went to Texas during the war? A I suppose I must have been about 16 or 17 years old.  
Q Do you recollect about how old you were when you returned? A I must have been twenty years old when I returned.  
Q You returned in '66 and remained one year and then went to Texas and remained a year and then returned? A Yes sir.  
Q And been living here ever since? A Yes sir.  
Q You say you were a slave of whom? A Eliza Wright and Jim Bell.  
Q Was your present wife the mother of your child, Mary L? A Yes, sir.

The 1860 authenticated roll and the 1890 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not identified thereon.

- Q Did you draw strip money? A No sir, nothing but the Wallace money.

The Wallace Roll of the Cherokee Nation examined and the name of the applicant is found on page 110, No. 2350, Delaware district, as Elias Downing.

- Q Did you draw strip money for your wife? A Yes, sir, wife and one child.
- Q Is your wife living? A Yes, sir, she is living.
- Q Has she been living in the Cherokee Nation for the last twenty years? A Yes sir.
- Q Continuously? A Yes sir.
- Q Your child living? A Yes sir.
- W. W. Hastings: Who did you go to Texas with? A I went with Sam Couch.
- Q And you come back with Sam Couch? A No sir.
- Q You didn't come back with him? A No sir.
- Q You know M. W. Couch? A Yes sir.
- Q Did you know him in Texas? A Yes sir.
- Q Did you come back with him? A No sir, he come with -- Pete come with Sam.
- Q And you come back after they did? A I come back before the first time. When I come in '66, I come before they did.
- Q Who did you come back with? A I come with a man that was driving cattle.
- Q What was his name? A I don't know his name; I knew it then, but I don't know it now.
- Q Just one man? A There was a dozen or so driving cattle.
- Q Do you remember any of them? A No, I don't remember any of them now.
- Q Where did you drive the cattle? A I drove them as far as Fort Gibson and I quit them there.
- Q Then where did you go? A To my father's.
- Q Where did he live? A East side of Grand River.
- Q You know he was living there? A I know it; when I come back I knowed him there.
- Q He didn't go to Texas? A No sir, he went North.
- Q And you went South? A Yes sir.
- Q Who did you see at Fort Gibson, you know? A I saw several there. I seen Wils Martin there.
- Q Then you come up to where your father lives? A Yes sir, come to my father's.
- Q How long did you stay there? A I stayed with him all that winter.
- Q About what time in the year did you reach your father? A I come up in the fall.
- Q Where was he living at the time? A He had bought a place below Bob Daniels' place and was living there.
- Q You weren't married then? A No, sir, I wasn't married.
- Q You went back to Texas then again in the spring? A In the fall.
- Q That same fall? A The fall of '67.
- Q Did you go back to the same place you come from? A Yes sir, went back to the same place, right in the same neighborhood.
- Q How did you go back? A I went horseback.
- Q You come up horseback? A Yes sir, when I come with those cattle I did.
- Q Did you see Pete or M. W. Couch then? A Yes sir, I did.
- Q Sam Couch? A Pete was there then; he started the next spring in '68.
- Q That was the next spring after you come up here? A And went back; yes.
- Q And Pete wasn't there when you got back? A Yes sir, he was.
- Q I thought you said he started up --? A I said Pete was there when I got there in '67 and in '68, Pete was there.
- Q Did Couch marry some of your folks? A He married some of the Cherokee people, yes sir.
- Q Was their family related in any way to the people to whom you

belonged? A Yes sir; there is a man sitting over there, Mr. Bell, he can tell you about it as much as I can.

Q How long did you stay there when when you went back? A Probably a year or longer.

Q Did you marry down there? A Yes, I married down there when I went back.

Q Who did you marry? A I married a woman that lived down there.

Q What was her name? A Phoebe.

Q Phoebe what? A Gobbins.

Q Did you have any children by her? A Yes sir.

Q What was the oldest one's name? A Jennie.

Q Where was she born? A She was born in Texas.

Q ~~What was your next child?~~ What was your next child? A Johnson.

Q Where was Johnson born? A He was born here.

Q How old is Jennie? A Oh, I don't know exactly how old she is.

Q To the best of your knowledge? A I never kept any close trace of her age.

Q Is she alive? A No, sir, she is dead.

Q Where did she die? A She died over here on Pryor Creek in Cooweescoowee.

Q Did you bring your first wife here with you? A Yes sir.

Q Where did you come to when you come back here? A I come back to my father's.

Q Did he live near Kaland Ford? A Yes sir, in Delaware district.

Q Where have you been living since that time? A I lived in Delaware district a part of the time, and I ~~have~~ been living in Cooweescoowee District about 22 years.

Q What part of Cooweescoowee? A Just about Chelsea about four miles.

Q With that exception after you come back from Texas the last time, you lived over here in Delaware in the neighborhood of your father?

A Yes sir, in Delaware.

Commissioner: You have been living continuously in the Cherokee Nation since 1880? A Yes sir, I have been living here continuously.

Q Did you draw money for your wife? A Yes sir.

W. W. Hastings: Did you ~~draw~~ for yourself before the Kerns-Clifton Commission for your own enrollment? A Yes, sir.

Q Are you sure you drew for Mary, your wife? A Yes sir, she drew her money for herself and one child; she is here and can speak for herself.

Q Did she ever have any other name besides Martin and Downing?

A No sir.

Q Was she married to anybody else besides you? A Yes, sir.

Q To whom? A To Jones. She is on the roll with John Downing.

The Kerns-Clifton Roll examined and the names of the applicant and his wife not identified thereon.

The Kerns-Clifton Roll examined and the name of the applicant's child is found on page 117, No. 292, Mary Loney, Cooweescoowee District.

Elias Downing applies for the enrollment of himself, his wife, Mary, and his child, Mary L. His name is not found upon the authenticated roll of 1880, but is found upon the Wallace Roll according to page and number of the roll as indicated in the testimony. He avers that his wife, Mary E. Downing, is the child of Jake and Sarah Ann Martin, and reference is made to the testimony taken in the application for enrollment of Sarah Ann Martin, on D card 220, which testimony will be made a part of the record in this case. The name of his child, Mary L., is found upon the Kerns Clifton Roll. Consequently, for the reason that the name of the applicant is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, said Elias Downing, his wife, Mary E., and his child,

Mary L., will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card for further consideration of the Commission. When the Commission arrives at a conclusion in this case, applicant will be notified of the same by mail.

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

Signed, E. C. Rothenberger.  
Subscribed and sworn to before me this the 11th day of May, 1901.  
Signed, M. D. Green,  
Notary Public.

(Seal)

\*\*\*\*\*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 12, 1901.

In the matter of the application of Elias Downing for enrollment as a Cherokee Freedman.  
Supplemental testimony.

Andy Frye, being duly 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? A Vinita.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q A Freedman? A Yes sir.
- Q Is your name on the roll of 1880? A Yes, sir, I expect it is on there.
- Q Do you know Elias Downing? A Yes, sir.
- Q How long have you known him? A Oh, I have known him ever since we were boys.
- Q Was he a slave before the war? A Yes, sir.
- Q Who did he belong to? A Belonged to Eliza Wright.
- Q Do you know where he was in 1861? A He was down here on Grand River.
- Q In the Cherokee Nation? A Yes, sir.
- Q Did you see him there? A Yes, sir.
- Q Have you seen him since that? A Yes, sir, I have seen him since that.
- Q Has he always lived in the Cherokee Nation since that time? A No, he left the Cherokee Nation and went back to Texas and stayed there a while and came back again and been living here ever since.
- Q By Mr. Hastings: What time in '66 did you see him down there? A It was early in the fall of '66.
- Q What makes you remember distinctly of seeing him among all those down there? A I seen lots of them, I don't remember him any more than anybody else, because he come to my house and I went to where he was.
- Q You don't remember everybody you saw 35 years ago? A No, sir, I don't, but then a man that lives right at me, he lives right by me and I remember him.
- Q How long do you remember seeing him that fall? A I was there, I don't recollect just how long I do remember seeing him, it seems like the whole winter and spring.

Q Do you know where he came from? A He said he came from Texas where they taken him before the war.

Q And he went back to Texas? A Yes sir.

Q And he married down there? A Yes, sir.

Q And had some children down there? A Had one I believe.

Q About how many years did he stay down in Texas to you recollection the second time? A I don't know, sir, about that, I never kept no count of the time, but I know he was away a good while and came back again.

Q Do you know how long the applicant was gone out of the country?

A Must have been a year, or maybe a little longer, might have been longer and might not have been, I never kept any count.

Q You don't know what year he came back then? A No, sir, I don't know what year he came back in, I don't recollect.

Q You remember he came back the first time in '66? A Yes, sir, because I hadn't been long in here myself.

Q And you can remember the year he first came but you can't remember the year the second time? A No, sir, I never kept any date.

Q Has he been living down there since he came back the second time?

A He lived over there right by me for four or five years and then he lived over on Pryor Creek.

Allen Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your age? A 61.

Q ~~What is your~~ your post office address? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q A Freedman? A Yes, sir.

Q Do you know Elias Downing? A Yes, sir.

Q How long have you known him? A I have known him forty or fifty years.

Q Was he a slave during the war? A Yes, sir.

Q Before the war? A Yes, sir.

Q To whom did he belong? A He first belonged to Eliza Wright and then he belonged to Jim Bell.

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

Q Where did he go? A Went south.

Q Do you know when he returned? A Yes sir, I do.

Q When was that? A He came back here in the fall of '66

Q How long did he stay here when he came back? A He stayed here till '67, along in the fall of '67.

Q Where did he go then? A Went back to Texas I reckon when he left there.

Q Do you know how long he stayed in Texas? A No, sir, I don't.

Q How long has he been living in the Cherokee Nation continuously to your knowledge? A Must be right near 18 or 20 years.

Mr. Hastings: He came back here about 18 years ago from Texas?

A No, I don't know just when he came from Texas, but he came back and moved on the other side of the river and lived there four or five years and then I bought that place and he moved on Pryor Creek; must have been 18 or 16 or 17 years ago.

Q Since he came back from Texas? A Since I first seen him when he came back.

Q That is your best recollection? A Yes, sir, maybe longer than that; I bought the place he was living on.

Q You know he lived there four or five years after he came back?

A Yes, sir.

Q And you lived in the same neighborhood? A Yes, sir, living there yet.

Q He married in Texas? A Yes, sir.

Q He had some children when he came up there? A He had one or two, I don't just remember.  
 Q Do you remember how old they were? A No, sir, I can't remember how large they were.  
 Q You know he was gone some time down in Texas when he went back after the war? A Yes, sir, I think he went out to visit, before he went off, I don't say what time when he went.  
 Q Do you know who he came up here with when he first came?  
 A No, sir, the first time I saw him I saw him at his place.

\*\*\*\*\*

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 11th of May, 1901.  
 Signed, M. D. Green,  
 Notary Public.

(Seal)

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Bruce G. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing testimony is a true copy from the originals.

Sworn to and subscribed before me this the 28th of May, 1901.

W. H. Green  
 Commissioner.



File with case of Elizabeth Jones, et al., C.F.-D.#246.

Supl.C.F.-D.#245.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 3d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elias Downing as a Cherokee Freedman, introduced on part of Cherokee Nation

APPEARANCES:

Mr. Isaacs, Attorney for applicant;  
Mr. W. W. Hastings, of counsel for Cherokee Nation.

J. M. COUCH, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A M. M. Couch.
- Q What is your age, Mr. Couch? A 43.
- Q What is your father's name? A Sam Couch.
- Q What was your mother's name? A Nancy.
- Q What was your mother's maiden name? A Adair.
- Q Do you know this colored man here, Alias Downing? A Yes, sir.
- Q Did he belong to some of your people? A Belonged to my mother.
- Q Where did you go during the war? A Texas.
- Q When did you return? A '68.
- Q In the spring? A Yes, sir, we left there in the spring.
- Q Where was Elias Downing when you left Texas? A We left Elias there.
- Q Was he married? A I think he was, I would not say for sure, I think he was married.
- Q Were you ever back to Texas after that? A Yes, sir.
- Q How long? A Along in '74 or '5, I went back there to school.
- Q Was Elias down there then? A Yes, sir, I seen him.
- Q You say he was? A Yes, sir.
- Q Near what place in Texas? A Close to Milford, near Waxahachie; Milford was out post office.
- Q Are you positive as to whether he was married when you went back there? A I think he was, I won't be for sure.
- Q Do you know when he left down there? A No, sir.
- MR. ISAACS: What are your initials? A M. M. Couch.
- Q When did you go to Texas? A We went before the beginning of the war.
- Q Well, what year was it you saw the applicant down there? A He was there all the time during the war, up until '68.
- Q Did you see him regularly? A Yes, he was up to '68, at the close of the war he was around.
- Q What part of Texas were you in? A In Ellis County.
- Q What were you doing? A Living there with my folks.
- Q In the applicant any relation to you as a slave? A He belonged to my mother.
- Q How many slaves did your mother own, do you know? A There was Elias, Aleck, and Roach, David Roach's children, Aleck and George.
- Q I think you stated a while ago that you went to Texas yourself?
- A I went back after we moved here, I went back there to school; the children all went back.
- Q How old were you when you first went to Texas? A About three years old.
- Q And you say you remember the number of slaves your mother had there three years old? A I didn't say I remembered the number of slaves then, I remembered them in '68 and when we was there a while.
- Q How old are you now? A 43.
- Q Do you remember the year in which you first went to Texas?
- A Yes, sir.
- Q And you went back sometime in the '70s? A Yes, sir.
- Q Did you see Elias Downing down there? A Yes, sir.

Q And you were about three years old the first time you went down there. A When we moved there I was small.

Q How did you happen to recollect the fact that the applicant was down there? A I didn't say that I recollect when we went there; up in the '70s I went back.

COM'R NEEDLES: Now you were three years old when you went there?

A Yes, sir.

Q What year did you go? A We went at the beginning of the war, I don't recollect just what year it was we went there.

Q Along about '61? (No response.)

Q How old were you in 1868 then? A I was about ten years old.

Q Do you recollect this man distinctly? A Yes, sir, he was around tearing for us, was a driver all the time.

Q Did he live with the family continuously from the time your folks took him down there until 1868? A To the best of my recollection; he was an ox driver and one time I remember him being around was when they went to Mexico.

Q You left there in the spring of 1868? A Yes, sir.

Q And went back in the spring of what year? A About '72 or '3.

Q Was this man Elias Downing there then? A Yes, sir.

Q Working for your people? A No, sir, he was there in the same neighborhood.

Q Your people didn't go back with you? A My people ~~just~~ lived here at the time, my mother lived here and my father's folks all lived there.

Q Your mother's folks come here in 1868? A Yes, sir we moved up here in 1868.

Q When you went back there in 1872 or '3 Elias was still there?

A Yes, sir.

Q Was he in town or out in the country? A He was out in the country.

Q You saw him? A Yes, sir.

Q Recognized him? A Yes, sir.

Q You don't know whether he was ever in the Cherokee Nation in the meantime or not? A No, sir.

Q Do you know whether he was in the Territory before 1868 or not?

A No, sir.

MR. ISAACS: Did you miss him out of Texas in '66? A No

Q Did you remember him, that is, having seen him in '66?

A No, I would not be sure that I seen him there; they was freighting all the time and if he ever left I didn't know it. Of course they was gone over there to Mexico and back, it would take a good while to make the trip.

Q During the year '66 you were about five years old were you not?

A Yes, sir.

Q Do you remember anything about the applicant's age about '66?

A No, sir.

Q Was he married? A I wouldn't say for sure whether he was married or not. He was not married in '66.

MR. HASTINGS: You were born you say in 1858? A Yes, sir.

Q Well in '66 you would be eight years old wouldn't you, instead of five? (No response.)

COM'R NEEDLES: Is your mother living? A No, sir.

Q Father? A No, sir.

Q Have you any brothers or sisters older than you? A No, sir, I am the oldest child.

This testimony will be filed with the papers, and copy thereof will be filed with Freedmen doubtful cards #239, #246, and #300.

--3--

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 14th, 1901.



Commissioner.

(COPY)

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

In the matter of the application for the enrollment of  
Elias Downing, et al., as Cherokee Freedmen, consolidating the  
applications of--

Elias Downing et al.,	Cherokee Freedmen D-245,
Elizabeth Jones, et al.,	Cherokee Freedmen D-246,
Johnson Downing,	Cherokee Freedmen D-208.

-:-

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 Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself, and her two minor children, Flora and Rosether Jones; that subsequent to the date of the last-named application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arrileus Jones; by Johnson Downing for himself. A copy of the testimony of Sarah Ann Martin in Cherokee Freedmen D-239, and of Aaron Martin in Cherokee Freedmen D-235, taken at Vinita, Indian Territory, May 10, 1901, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Elias Downing was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation; that Mary E. Downing, wife of said Elias Downing, was born during the rebellion, and is the daughter of one Sarah A. Martin. The Commission have heretofore found, in the case of Sarah A. Martin, Cherokee Freedmen D-239, that she was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she removed to the State of Kansas, and returned to the Cherokee Nation within the time specified in the said decree of the Court of Claims, *Supra*.

The evidence herein shows that the applicant, Mary E. Downing, returned to the Cherokee Nation with her said mother; that Mary L. Downing was born since 1866 and is the daughter of the said Elias Downing and his wife, Mary E. Downing, and claims the right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866, and are the children of Elias Downing and Phoebe Downing and claim their right to enrollment through their father, the said Elias Downing, their mother not possessing any rights as a Cherokee Freedman; that the appli-

cants, Flora, Rosether and Arrileus Jones are the minor children of the said Elizabeth Jones, and possess no rights to enrollment except through their said mother.

It further appears from the evidence herein that the said Mary B. Downing has lived continuously in the Cherokee Nation since her return thereto in 1866, and that the said Mary L. Downing has resided continuously therein since her birth.

It further appears that the names of none of the applicants herein appear upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that Mary B. Downing and Mary L. Downing should be enrolled as Cherokee freedmen and that the applications for the enrollment of Elias Downing, Elizabeth Jones, Flora Jones, Rosether Jones, Arrileus Jones and Johnson Downing 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.

Muskegee, Indian Territory,  
Dec. 16-1904

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

In the matter of the application for the enrollment of Elias Downing, et al., as Cherokee Freedmen, consolidating the applications of--

Elias Downing et al.,  
Elizabeth Jones, et al.,  
Johnson Downing,

Cherokee Freedmen D-246,  
Cherokee Freedmen D-246,  
Cherokee Freedmen D-306.

-:-

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary E. Downing; by Elizabeth Jones for herself, and her two minor children, Mary and Rosether Jones; that subsequent to the date of the last-named application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arrilous Jones; by Johnson Downing for himself. A copy of the testimony of Sarah Ann Martin in Cherokee Freedmen D-239, and of Aaron Martin in Cherokee Freedmen D-235, taken at Vinita, Indian Territory, May 10, 1901, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Miss Downing was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion she left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, et al., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation; that Mary E. Downing, wife of said Elias Downing, was born during the rebellion, and is the daughter of one Sarah A. Martin. The Commission have heretofore found, in the case of Sarah A. Martin, Cherokee Freedmen D-239, that she was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she removed to the State of Kansas, and returned to the Cherokee Nation within the time specified in the said decree of the Court of Claims, supra.

The evidence herein shows that the applicant, Mary E. Downing, returned to the Cherokee Nation with her said mother; that Mary E. Downing was born since 1866 and is the daughter of the said Elias Downing and his wife, Mary E. Downing, and claims the right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866, and are the children of Elias Downing and Phoebe Downing and claim their right to enrollment through their father, the said Elias Downing, their mother

not possessing any rights as a Cherokee Freedman; that the applicants, Flora, Rosether and Arrileus Jones are the minor children of the said Elizabeth Jones, and possess no rights to enrollment except through their said mother.

It further appears from the evidence herein that the said Mary F. Downing has lived continuously in the Cherokee Nation since her return thereto in 1866, and that the said Mary L. Downing has resided continuously therein since her birth.

It further appears that the names of none of the applicants herein appear upon the 1868 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that Mary F. Downing and Mary L. Downing should be enrolled as Cherokee freedmen and that the applications for the enrollment of Elias Downing, Elizabeth Jones, Flora Jones, Rosether Jones, Arrileus Jones and Johnson Downing as Cherokee freedmen should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 ( 50 Stats., 490), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

Thos Lixby

Chairman.

(Signed)

T. H. Needles

Commissioner

(Signed)

C. R. Breokinridge

Commissioner

Muskogee, Indian Territory,

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COPY.

Cherokee Freedman  
D-245, et al.

Muskogee, Indian Territory, December 16, 1904.

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

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing and rejecting the applications for the enrollment of Elias and Johnson Downing and Elizabeth, Flora, Rosether and Arrilous Jones, as Cherokee Freedmen.

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

Respectfully,

*Tamm Dinky*  
Chairman.

Encl. OG-55.



CC

Cherokee Freedman  
D-246.

Muskogee, Indian Territory, January 7, 1905.

Elizabeth Jones,  
Talala, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor children, Flora, Rosether, and Arrilous Jones, as Cherokee Freedmen, together with a copy of the Commission's decision dated December 16, 1904, rejecting, among others, 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,

*Tame Dixby.*

Chairman.

Encl. L-43.

Register.

CC

Cherokee Freedman  
D-246.

Muskogee, Indian Territory, January 7, 1906.

Elizabeth Jones,  
Talala, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor children, Flora, Rosether, and Arrilous Jones, as Cherokee Freedmen, together with a copy of the Commission's decision dated December 16, 1904, rejecting, among others, 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,

*Tamc Dixie*  
Chairman.

Encl. L-43.

Register.

COPY.

Cherokee Freedman  
D-245 et al.

Muskogee, Indian Territory, January 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Elias Downing et al., including the Commission's decision, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing, and rejecting the application for the enrollment of Elias and Johnson Downing; Elisabeth, Flora, Rosether, and Arrilous Jones, as Cherokee Freedmen.

Respectfully,

*James Dixby.*  
Chairman.

Encl. L-45.

Through the  
Commissioner of Indian Affairs.

Land,  
2224-1905.  
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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself and her three minor children, Flora, Rosether and Arrilous Jones; and by Johnson Downing for himself.

December 16, 1904, the Commission decided favorably to Mary E. Downing and Mary L. Downing and adversely to all the others.

The record shows that Elias Downing was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that Mary E. Downing wife of Elias Downing was born during the rebellion and is the daughter of one Sarah A. Martin who was the slave of a Cherokee citizen at the beginning of the war; that during the war she went out of the Cherokee Nation and returned to said Nation prior to February 11, 1867, and that her child Mary E. Downing, returned with her; that Mary L. Downing was born since 1866 and is the daughter of Elias Downing and

his wife, Mary E. Downing and claims right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866 and are the children of Elias Downing and Phoebe Downing and claim their right to enrollment through their father the said Elias Downing, their mother possessing no rights to enrollment; that the applicants, Flora, Rosether and Arrilous Jones are minor children of Elizabeth Jones and possess no rights to enrollment except through their mother. It further appears that Mary E. Downing and Mary L. Downing have lived continuously in the Cherokee Nation since 1866 and since birth respectively.

None of the names of the applicants are found on the 1880 authenticated Cherokee Roll.

There is also enclosed a motion by Blue and Bulger, attorneys for the applicants that the decision of the Commission be reversed which has received due consideration.

In view of the record the approval of the Commission's decision favorable to Mary E. Downing and Mary L. Downing and adverse to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee  
Acting Commissioner.

M.V.W.  
W.

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Land.  
97397-1905.

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

December 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of November 21, 1905, I.T.D. 2686, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, dated December 2, 1905, saying that the name of Sarah A. Martin appears upon a partial roll of Cherokee freedmen approved by the Department November 16, 1904, at No. 3738.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

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D. C. 10946-1906.  
I.T.D. 2686-1905.  
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DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 19, 1906.

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

Sir:

March 16, 1905, the Indian Office (Land 2224-05), submitted the Cherokee freedman case of Elias Downing, for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; of Elizabeth Jones for herself and her three minor children, Flora, Rosether and Arrilous Jones; and of Johnson Downing for himself, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of Mary E. Downing and Mary L. Downing, and adverse to the other claimants, be affirmed.

November 21, 1905, you were advised of the filing of a motion for "review" by the claimants. In the motion it is also requested, if the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing, the attorneys making the motion apparently overlooking the fact that the decision of the Commission was in favor of two of the applicants.

In support of the motion certain affidavits are filed which merely go to show that Elias Downing, through whom the rejected applicants claim, was in the Indian Territory late in the fall

of 1866. It is claimed by Elias Downing that he came to the Cherokee nation from Texas in 1866, and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, however, that he returned to Texas in 1866, where he married and remained for some length of time. The testimony for the nation shows that he was there as late as 1873 or 1874.

The Department does not feel warranted in ordering a rehearing upon the showing made; however, on January 15, 1906, it having before it two motions for review in the case filed by the same attorneys, of which you were informed on that date, said attorneys were advised that they would be allowed time to file motions for rehearings in this and numerous other Cherokee freedmen cases.

The motions are all denied, and the decision of the Commission to the Five Civilized Tribes as to Mary E. Downing and Mary L. Downing is affirmed.

In view of contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing. The attorneys have been advised hereof.

A copy of the Indian Office letter of March 16, 1905, is inclosed, and also a copy of its letter of December 20, 1905, submitting your letter of December 2, 1905, relative to Sarah A. Martin.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
2 inclosures.

Thos. Ryan  
First Assistant Secretary.



Muskogee, Indian Territory, August 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On March 19, 1906 (I.T.D.2686,17886,8523,8345-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing, and rejecting the application for the enrollment of Elias Downing, Elisabeth, Flora, Rosether and Arrilous Jones and Johnson Downing, as Cherokee freedmen, insofar as the same was favorable to said Mary E. and Mary L. Downing, and advised "in view of contemplated legislation, the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing."

The Department, on November 21, 1905 (I.T.D.2686-1905), advised that there had been filed a motion for a review of the case of Elias Downing, et al, and in its letter of March 19, 1906, the Department states that in said motion it is requested that "if the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing." The Department also states

Secretary--2.

that certain affidavits are filed in support of said motion "which merely go to show that Elias Downing, through whom the rejected applicants claim, was in the Indian Territory late in the fall of 1866. It is claimed by Elias Downing that he came to the Cherokee Nation from Texas in 1866, and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, however, that he returned to Texas in 1866, where he married and remained for some length of time. The testimony for the nation shows that he was there as late as 1873 or 1874." The Department further states that it does

not feel warranted in ordering the rehearing upon the showing made, and that on January 15, 1905, "it having before it two motions for review in the case filed by the same attorneys, of which you were informed on that date, said attorneys were advised that they would be allowed time to file motions for rehearings in this and numerous other Cherokee freedmen cases." All of said motions were denied by the Department.

On June 25, 1906, there was filed with this office by Starr and Patten, attorneys for applicants, a motion for a rehearing of said case insofar as the decision of the Commission is adverse to the applicants. There are filed in support of this motion, affidavits by the applicant, Elias Downing, Jennie Downing and Zeb Downing. There was received from said attorneys with their letter of July 20, a separate affidavit by the applicant, Elias Downing, which they requested

be filed in support of the said motion, and with their letter of August 2, said attorneys transmitted an additional affidavit by Nelson Moore, which they also requested to be filed in support of said motion.

Said attorneys in their letter to this office of August 3, referring to Departmental letter of June 5, 1906, (I.T.D. 6249-1906), alleged to have been addressed to the applicant, Elias Downing, at Chelsea, Indian Territory, quote as follows: "You now allege that your father's name appears upon the 1880 Cherokee Roll. It no where appears in the record in the case that this is true. The Commissioner to the Five Civilized Tribes will inform you, upon proper application, if his name appears upon that roll . . . You should therefore take prompt action if you desire a rehearing in your case".

The attorneys request that with the transmittal to the Department of the motion, this office advise whether or not the name of Reuben Downing, father of said applicant Elias Downing, is identified upon the Cherokee authenticated roll of 1880.

The Cherokee Nation protests against a rehearing being granted in this case, and its protest, the motion for a rehearing, and the affidavits above referred to, are enclosed herewith.

There is nothing to show that the evidence now sought to be introduced is newly discovered or that with due

Secretary--4.

diligence it could not have been secured when the case was heard before the Commission. The statements contained in the motion and affidavits attached, when considered in connection with the original record in the case, fail to show that the motion is of merit and is not made for the purpose of delay.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motion be denied.

The name of Reuben Downing, alleged father of Elias Downing, is identified upon the authenticated roll of 1880, page 243, No. 696, Delaware District, as an adopted colored citizen, aged 65 years, marked "dead."

Respectfully,

Encl. V. A. 24-4.

Acting Commissioner.

Cherokee Freedman  
D 245.

Muskogee, Indian Territory, August 24, 1906.

Starr and Patten,  
Attorneys for Elias Downing, et al,  
Vinita, Indian Territory.

Gentlemen:

Referring to your letters of July 20 and August 2, 1906, you are advised that affidavits transmitted by you of ~~Elias Downing and Nelson Moore~~ to be filed in support of a motion for a rehearing in the Cherokee freedman case of Elias Downing, et al, have been received. Receipt is also acknowledged of your letter of August 3, requesting that early attention be given the motion filed by you in said case, and asking that with the transmittal of your motion to the Department, this office advise whether or not the name of the father of Elias Downing is identified upon the Cherokee authenticated roll of 1880.

You are advised that your motion, together with the affidavits in support thereof, has this day been forwarded to the Department for consideration and action thereupon.

The name of Reuben Downing, father of Elias Downing, is identified upon the Cherokee authenticated roll of 1880, and the Department has been advised thereof.

Respectfully,

M.A.

Acting Commissioner.

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Land  
74169-1906

DEPARTMENT OF THE INTERIOR,  
Office Of Indian Affairs,  
WASHINGTON.

October 4, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 19, 1906, I.T.O. 8345-1905, granting the application for the enrollment of Mary M. and Mary L. Downing and rejecting the application for the enrollment of Elias Downing, Elizabeth, Flora, Renetha, and Arrilous Jones, ne Johnson Downing, as Cherokee freedmen, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, relative to the subject.

The Department informed the Commissioner that in view of contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing.

The Acting Commissioner says that on November 21, 1905, the Department advised the Commissioner that there had been filed a motion for a review of the case of Elias Downing, et al, and that in Department letter of March 19 last it is said that:

If the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing.

The Acting Commissioner reports that on June 25, 1906, there was filed in the office of the Commissioner by Starr & Patten, attorneys for the applicants, a motion for rehearing in the case so far as the decision of the Commission is adverse to the applicants; that there was filed in support of this motion affidavits by Elias, Jennie and Zeb Downing; that there was received from the attorneys on July 20, a separate affidavit made by Elias Downing which they requested be filed in support of the motion; and that their letter of August 2, the attorneys transmitted an additional affidavit by Nelson Moore which they also requested be filed in support of the motion.

These attorneys refer to Department letter of June 5, 1906, alleged to have been addressed to Elias Downing, and quote therefrom as follows:

You now allege that your father's name appears on the 1860 Cherokee roll. It no where appears in the record in the case that this is true. The Commissioner to the Five Civilized Tribes will inform you, upon proper application, if his name appears upon that roll . . . . You should therefore take prompt action if you desire a rehearing in your case.

The Cherokee nation protests against a rehearing being granted and the Acting Commissioner concludes his report by saying that the name of Reuben Downing, alleged father of Elias Downing, is identified on the authenticated roll of 1860, page 243, Delaware District, as an adopted colored citizen, age 65 years, marked "dead."



There is nothing in the papers enclosed which shows or has any tendency to show that the newly discovered evidence sought to be introduced could not, by due diligence, have been secured when the case was heard before the Commission, and it does not seem to have merit and it is probably made for the purpose and with the intention of delaying the final determination of the case. The denial of the motion is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

(COPY)

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I.T.D. 2686-1905  
17856-  
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DEPARTMENT OF THE INTERIOR, LLE  
WASHINGTON.

January 7, 1907.

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

Sir:

On October 4, 1906 (Land 75169), the Indian Office transmitted your report dated August 24, 1906, in the matter of a motion for rehearing in the Cherokee freedman enrollment case of Elias Downing et al.

The Cherokee Nation protests against a rehearing being granted in this case.

You consider that the motion is without merit and recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered the motion for rehearing in connection with the record in the case. The evidence now sought to be introduced could apparently, by diligence, have been secured when the case was originally heard. It is not considered that sufficient reason is shown for a further hearing in the case, and said motion is hereby denied.

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

Respectfully,

Thos. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

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Washoe, Indian Territory, January 29, 1907

DIRECT.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of January 7, 1907 (I.T.D. 2686-17856-1906, 19656-1906), acknowledging receipt of its report of August 24, 1906, transmitting a motion for rehearing in the Cherokee freedmen enrollment case of Elias Downing, et al., and denying said motion.

The decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing as Cherokee freedmen, and rejecting the applications of Elias Downing and Elizabeth, Flora, Rosether and Arrilous Jones and Johnson Downing, as Cherokee freedmen, was affirmed by the Department, March 19, 1906 (I.T.D. 8523, 8346-1906), insofar as it enrolled Mary E. and Mary L. Downing. The Department in its letter of March 19, 1906, stated that

Secretary-2

certain motions for review and rehearing had been filed ; that " the motions are all denied , " and that "in view of contemplated legislation the case as to the other applicants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing."

The motion transmitted by the Commissioner August 24, 1906, applies to all of the applicants in the case to whom the Commission's decision was adverse.

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Although the Department makes no reference in its letter of January 7, 1907, as to whether it approves the Commission's decision adverse to said applicants, it is believed, in view of the Department's action in denying the motion transmitted August 24, 1906, to approve said decision.

In order that the case may be properly disposed of, it is respectfully recommended that the Department further consider the case and advise the Commissioner of action thereon as early as practicable.

Respectfully,

L. B.

Commissioner

Cherokee  
P D 246.

Muskogee, Indian Territory, January 29, 1907.

Elizabeth Jones,  
Talala, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, on June 25, 1906, for a re-hearing in the Cherokee Freedman enrollment case of yourself and children, Flora, Rosether, and Arrilous Jones, was, on January 7, 1907, denied by the Secretary of the Interior.

Respectfully,

GHL

Commissioner.

( C O P Y )

D.C.9320-1907.

J.F.Jr.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I.T.D.2168-1907.

February 14, 1907.

Direct.

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

Sir:

The receipt is acknowledged of your communication of January 29, 1907, requesting certain information in regard to departmental action dated January 7, 1907, in the matter of a motion for rehearing in the Cherokee freedman case of Elias Downing et al.

You are informed that departmental letter of January 7, 1907, was intended to deny all applicants in the Cherokee freedman case of Elias Downing et al., except Mary E. and Mary L. Downing, heretofore enrolled.

You are now advised that your decision adverse to the applications of Elias Downing, Elizabeth, Flora, Rosetha, and Arrilous Jones, and Johnson Downing for enrollment as Cherokee freedmen is hereby affirmed.

Carbon copy hereof has been sent to the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. to Ind. Of.

A.F.Mc.  
2-15-07





Cherokee  
D 245 et al.

COPY

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation;

Muskogee, Indian Territory.

---

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, denying the applications for the enrollment of Elias Downing, et al. as Cherokee freedmen was affirmed by the Secretary of the Interior, February 14, 1907.

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

Respectfully,

Encl. HJ-8.  
HJC

SIGNED *Tams B. ...*  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

1901

OKVAN

CHEROKEE FREEDMEN.

Date May 10, 1901  
Post Office Galata, Ga.  
District Co.

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

Parents:  
Father ..  
Mother ..  
Citizenship ..  
Citizenship ..

1. Name of wife Elizabeth Jones  
Owner's name ..  
Year Mo. Page 117 No. 2919 District Co.  
Age 24  
Citizenship ..

Parents:  
Father Olus Downing - living Citizenship ..  
Mother Phoebe " - dead Citizenship ..

Names of Children:

2	<u>Flora Jones</u>	Year	Page	No.	Dist.	
3	<u>Rosetta "</u>	Year	Page	No.	Dist.	5-
5.		Year	Page	No.	Dist.	2
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by No. 1 Stenographer Bl. Jones

2 and 3. aff. of birth required.

X Ref. 15 243-

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

*United States* Nation

190

*Department of the Interior  
Bureau of Indian Affairs  
Washington, D.C.*

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Arriens Jones, born on the 24<sup>th</sup> day of Jan, 1902  
(Here insert name of child.)  
Name of Father: William Jones a citizen of the Cherokee Nation.  
Name of Mother: Elizabeth Jones a citizen of the Cherokee Nation.  
Postoffice Nowata Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Elizabeth Jones, on oath state that I am 24  
years of age and a citizen by Blood, of the Cherokee Nation;  
that I am the lawful wife of William Jones, who is a citizen, by  
Adoption, of the Cherokee Nation; that a Male child was  
(Male or Female.)  
born to me on 24<sup>th</sup> day of January, 1902; that said child has been named  
Arriens Jones, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 25<sup>th</sup> day of February, 1902.

My com. Expires 10/15/04 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Martha Ann Roberts, a Mid-wife, on oath state that I  
attended on Mrs. Elizabeth Jones, wife of William Jones  
on the 24<sup>th</sup> day of Jan, 1902, that there was born to her on said date a Male  
(Male or Female.)  
child; that said child is now living and is said to have been named Arriens Jones.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 28<sup>th</sup> day of Feb, 1902.

My Com. Expires 10/15/04 Notary Public.

D. 246

IN RE

Application for Enrollment of  
INFANT CHILD

*Flora Jones*  
as citizen of

Nation.

*hr*

1901

Approved.

*May*

*[Signature]*

Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED  
TERRITORIES

*[Signature]*

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Flora Jones, born on the 9 day of April, 1896  
Name of Father: William Jones, a citizen of the U.S. Nation.  
Name of Mother: Elizabeth Jones, a citizen of the Cherokee Nation.  
Post-office, Talala S.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

Northern District, Indian Territory.

I, Elizabeth Jones, on oath state that I am 24 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of William Jones, who is a citizen, by of the U.S. Nation. That a female child was born to me on the 9 day of April 1896 that said child has been named Flora Jones, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) Laura Johnson  
William Jones  
Elizabeth Jones mark

Subscribed and sworn to before me this 10 day of May 1901

Louis J. Brown  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

Northern District, Indian Territory.

I, Mary Downing, a midwife, on oath state that I attended on Mrs. Elizabeth Jones, wife of William Jones, on the 9 day of April, 1896 that there was born to her on said date a female child; that said child is now living and is said to have been named Flora Jones and that the midwife is dead.

WITNESSES TO MARK:

(Must be Two Witnesses) Laura Johnson  
William Jones  
Mary Downing mark

Subscribed and sworn to before me this 10 day of May 1901

Louis J. Brown  
NOTARY PUBLIC

CHEROKEE FREEDMAN

20

IN RE

Application for Enrollment of

INFANT CHILD

Rosetta

as a citizen of

CHEROKEE.

Nation.

Approved

*[Handwritten signature]*

1901

Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED  
FILED



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

IN RE Application for Enrollment, as a citizen of the **CHEROKEE** Nation,  
of **Roseth Jones**, born on the **29** day of **July**, **1898**  
Name of Father: **William Jones**, a citizen of the **U.S.** Nation.  
Name of Mother: **Elizabeth Jones**, a citizen of the **Cherokee** Nation.  
Post-office: **Talata, I.T.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

**Northern** District.

I, **Elizabeth Jones**, on oath state that I am **24** years of age and a citizen, by **adoption**, of the **Cherokee** Nation; that I am the lawful wife of **William Jones** who is a citizen, by

**adoption** of the **U.S.** Nation, that a **female** child was born to me on the **29** day of **July**, **1898** that said child has been named **Roseth Jones**, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

**Laura Johnson** **Elizabeth Jones**  
**mark**

Subscribed and sworn to before me this **10** day of **May**, **1901**  
**Louis J. Brown**

My commission expires March 17, 1904.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

**Northern** District.

I, **Mary Downing**, a **midwife** on oath state that I attended on Mrs. **Elizabeth Jones** wife of **William Jones**,

on the **29** day of **July**, **1898**, that there was born to her on said date a **female** child; that said child is now living and is said to have been named **Roseth Jones** and that the **midwife** is **dead**.

WITNESSES TO MARK:

(Must be Two Witnesses)

**Laura Johnson** **Mary Downing**  
**William Jones** **mark**

Subscribed and sworn to before me this **10** day of **May**, **1901**  
**Louis J. Brown**

My commission expires March 17, 1904.

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.

Mrs. Elisabeth Jones,

Talala, I.T.  
Cherokee F-D-246  
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

# AFFIDAVIT.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
NORTHERN DISTRICT. )

85

In the matter of the application of Elizabeth

Jones ..... for enrollment as a Cherokee Freedman.

No. F. D. 246

Henry Pack ..... of lawful age, being duly sworn on  
oath states that on the 13<sup>th</sup> day of September A. D., 1901, he registered  
to Elizabeth Jones whose postoffice is Tulula

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at St. Libson Indian Territory;  
and that on the 27<sup>th</sup> day of September, 1901, he received the return  
card which is hereto attached, signed by the said Elizabeth Jones showing  
that he had received said notice.

Subscribed and sworn to before me on this the 27<sup>th</sup> day of Sept. A. D. 1901.

J. C. Starr  
Notary Public.

072246

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

---

FILED  
SEP. 21 1901

*[Handwritten Signature]*  
A. N. CHAPMAN

# NOTICE!

*IN THE MATTER OF* The application of **Elizabeth Jones**  
for enrollment as a Cherokee Freedman:

Case No. F. D. **246**

To **Elizabeth Jones Talala I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee 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. 2d

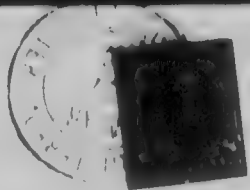
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

**SEP 21** of 1901

, 1901.

*L. R. DeLoach*  
*N. N. Hastings*  
*J. S. Davison*  
Attorneys for the Cherokee Nation.



Department of the Interior,

COMMUNICATIONS SECTION

MURKIN, INDIAN

OFFICIAL BUSINESS

Penalty for private use, \$300.

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*1000 - 27*

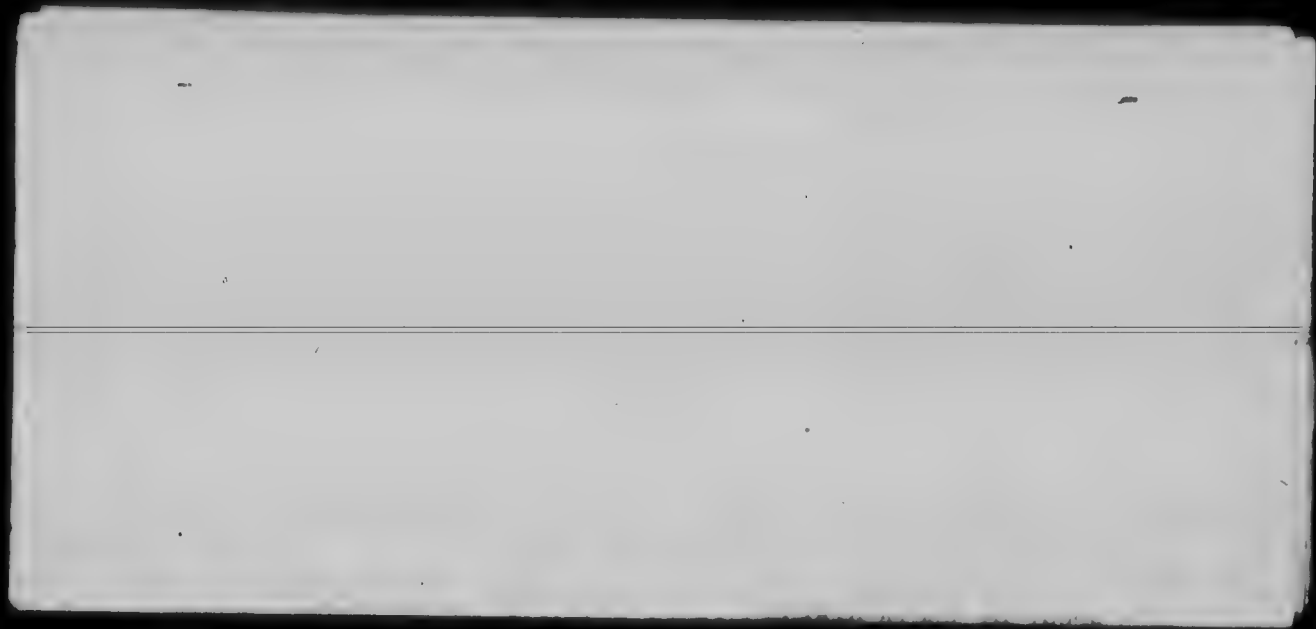
Mrs. Elizabeth Jones,

Talala, Indian Territory.

Cher. Fr. R 851

Cher. Fr. R 851

Trans. from Cher. Fr. D 251





Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 10, 1901.

In the matter of the application of Ned Lyons for the enrollment of himself, his wife and four children as Cherokee Freedmen.

Ned Lyons, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Ned Lyons.
- Q How old are you? A 31.
- Q What is your post office address? A Hayden.
- Q What district do you live in? A Cooweescoowee.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Did you ever apply to be enrolled as a Freedman of any other tribe or nation? A No, sir.
- Q Did you ever draw any money from any other tribe or Nation? A No, sir.
- Q Who do you want to enroll besides yourself? A My wife and family.
- Q How much family? A I have got four children.
- Q What is the name of your wife? A Nancy Landrum.
- Q How old is she? A She is 20 years old, no, 21.
- Q Give me the names of your children please? A Delsie.
- Q How old is Delsie? A She is 10 years old.
- Q The next child? A James Elmer.
- Q How old is he? A He is 4 years old.
- Q The next child? A Mahaley.
- Q How old is Mahaley? A She is 3 years old.
- Q The next one? A Katie.
- Q How old is Katie? A She is a little over a year.
- Q What is your wife's father's name? A John Landrum.
- Q Is he living? A Yes, sir.
- Q What is your wife's mother's name? A Mary Landrum.
- Q Is she living? A Yes, sir.
- Q Does your name appear upon the authenticated roll of 1880? A No, sir.
- Q Does the name of your wife? A Yes, sir.
- Q Does your name appear upon any of the rolls of the Cherokee Nation? A It appears upon the Wallace and Clifton roll.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.
- The Kerns-Clifton roll examined and the applicant Ned Lyons identified thereon, page 116, No. 2878, no district given.
- The Wallace roll examined, and the applicant identified thereon, page 160, No. 42, as Ned Lyons; residence, Cherokee Nation.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Nancy Lyons identified thereon, page 131, No. 1690, Cooweescoowee district, as Nancy Landrum.
- Q Is Nancy Landrum the mother of these children? A She is of all but one, and the eldest one's mother is Maria Landrum, of the same family.
- Q Is she living? A No, sir, she is dead.
- The 1880 authenticated roll of Cherokee Freedmen examined and the name of Maria Landrum found thereon, page 131, No. 1689, Cooweescoowee district.
- Q Are John and Mary living, her father and mother? A Yes, sir.
- Q Were you married before 1896 to Nancy? A Yes, sir.
- The 1896 census roll of Cherokee Freedmen examined, and the applicants identified thereon as follows:
- Nancy Lyons on page 409, No. 286, Cooweescoowee district, as Nancy Landrum.
- Delsie Lyons not on 1896 roll.
- The Kerns-Clifton roll examined, and the applicant, Delsie Lyons, identified thereon, page 6, No. 151, Cooweescoowee

Ned Lyons - 2.

district, as Delsie Lyons.

Q How long has your wife lived in the Cherokee Nation? A All her days.

Q Born and raised in the Cherokee Nation? A Yes, sir.

Q Are these children living? A Yes, sir, all living I have you in, I have not one dead.

By Edgar Smith, attorney for applicant: Who was your father?

A Jeff Ross.

Q Who was your mother? A Manaley Daniels before she married him.

Q Who owned your father? A Lewis Ross.

Q How old are you? A I am 31 years old.

Q Where do you live? A I live in Cooweescoowee district near Hayden postoffice.

Q How long have you lived in the Cooweescoowee district? A I have lived there about five or six years.

Q Where did you live before you lived in Cooweescoowee district?

A Lived on Grand River near Bowling Ferry, where I was born at.

Q How long have you lived in the Cherokee Nation? A I was born here, don't know nowhere else.

Q Have you any property in the Cherokee Nation? A Yes, sir, I have a couple of farms west of here in Cooweescoowee.

Q How long have you had either one of them; how long since you acquired the first one? A Since 1896; I moved from Grand River in 1896 where I lived with my first wife, I lived on my father's place then.

Q You are on the Kerns-Clifton roll? A Yes, sir.

By W.W. Hastings, Cherokee attorney: Are you on the Wallace roll?

A Yes, sir.

Note opposite name of applicant on Wallace roll: "Though born and raised in Cherokee Nation, no evidence that they are children of Cherokee freedman."

Q Have you always lived in the Cherokee Nation? A Yes, sir, always lived here.

Q Never lived out? A Never lived out.

-----o-----

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Allen Lynch.

Q Where do you live? A I live here in Vinita now.

Q Do you know Ned Lyons? A Yes, sir.

Q How long have you known him? A I knowed him ever since he was born.

Q Who was his father? A Jeff Lyons.

Q Did you know him in his life time? A Yes, sir.

Q Do you know whether he was a Cherokee slave or not; slave of a Cherokee? A Yes, sir.

Q To whom did he belong? A Lewis Ross.

Q Was Lewis Ross a citizen of the Cherokee Nation? A Yes, sir, a citizen.

Q Do you know what became of Ross during the war, whether he left the Cherokee Nation or remained here, Jeff Ross? A Jeff Lyons they called him, I don't know.

Q What do you say about Jeff, did he leave or not? A Yes, sir.

Q When did he come back? A He came back just before Christmas in the winter of '66.

Q Did you see him here at that time? A Yes, sir, he lived right in the yard with us.

Q With whom? A With me and Andy Bry and Aaron, four or five families lived there.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Ned Lyons - 3

Q Are you of the 1680 roll? A Yes, sir.

Q Recognized by the Cherokee Nation as a citizen? A Yes, sir.

Q Have you ever had anything to do with this young man Ned Lyons in the courts of the Cherokee Nation? A Yes, sir.

Q What? A Why, I was appointed as administrator of old man Lyons' estate for these children.

Q You were appointed administrator? A Yes, sir, by Judge Ward.

Q Who was Judge Ward? A Joe Ward.

Q What was he? A He was the judge and he appointed me as administrator over the estate of Jeff Lyon.

Q Of the estate of Jeff Lyon? A Yes, sir.

Q Who was the father of Ned Lyon? A Yes, sir.

Q When was that? A I just can't tell you exactly the year.

Q Did you wind up the estate? A Yes, sir.

Q About how long ago has that been as well as you remember?

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to pursuing this line of investigation any further, because the record in any court is certainly the best testimony. I allowed a part of it to be gone if, I didn't have any idea it would be gone into at any length.

Commissioner: There is no doubt but what the record is the best testimony, and the testimony cannot be used without it can be established the records are lost or cannot be produced.

Q In what court was this; where did Judge Ward keep his court?

A Delaware district, east of Grand river.

By Mr. Hastings: Al, you remember everybody that came in back in '66? A No, not exactly; no, sir.

Q Your memory is fresh of 35 years ago, know just the exact time all colored people came to your neighborhood? A No, not the exact time, no, sir.

Q You remember all these years that stand out there? A Well, I can tell you why I remember this.

Q Why is it you remember it? A Well, let me tell you; he came here before Christmas in '66, and in January, '67, he went back to Kansas and got a lot of goods for old Bob Daniels, and old Bob Daniels gave him a twenty dollar gold piece, the first I seen since the war, for going after them goods.

Q Where was Bob Daniels keeping his store; where was he?

A He was keeping his family.

Q Where was Bob Daniels living at that time? A At his place, he came down on his place and got Jeff to go back to Kansas for these goods.

Q Where did Bob come from? A Came from Texas.

Q When did Bob come up there from Texas? A He came up there, if I recollect right, sometime in January.

Q On what year? A In '67.

Q And during that month, you think it was, that Daniels hired Jeff to go back for a load of goods? A About that time he hired Jeff to go.

Q Do you know what that load of goods consisted of? A Yes, sir, it was bacon and flour and Hungarian seed.

Q Take Bob Daniels team? A Took his own team.

Q Lyons own team? A Yes, sir.

Q Did he have his wife with him when he came to your place in '66? A Had his wife and left her here and I got wood for her when he was gone.

Q Did he live there the year of '67? A Yes, sir, and raised a crop; he put in his corn in June, '67; he didn't get his corn planted till then.

Q On the old Dr. Thompson place? A Yes, sir.

Q How many of you fellows made a crop there on that place?

A I wasn't making a crop there at all.

Q How many others of them fellows? A Andy Fry, Jeff Lyons, Mose Hedrick, Tom Moore, and old uncle Butler McHair.

Med Lyons - 4.

Q How much was in cultivation on that place? A They cleaned up about five or six acres a piece.

Q And all of them was making a crop right there? A Yes, sir.

Q And you swear positively Jeff Lyons was there on Christmas of '66?

A To my best recollection he was there before Christmas, I don't know positive.

Q You know they were there on Christmas of '66? A They were there before Christmas, or just about Christmas, and he left from there in January and went back to Kansas.

Q He only made a trip up there an' back? A He made two trips, I made one trip for Bob Daniels and one tri for himself.

Q With the exception of short trips up there and back he was down in that country from Christmas of 1966 on? A Yes, sir, that is the best of y recollection.

Q You are positive about it? A I am telling you the best I can recollect about it.

Q I want to know if you can remember that is the year of '66 or '67? A The year of '67 to my judgment.

Q Was this child born then? A This New, no, sir.

Q Did he have any children at all? A Yes, sir, he had a child Elias, that was a baby, and he had one girl there called Anarchy, and he had this Mike Moore, that is his stepson, and this Anarchy was his stepdaughter, and the boy Elias was a baby.

Q When he came there about Christmas? A When he came there, yes, sir.

Q Did he live in the house with you? A He lived in Dr. Thompson's house and he was living in Dr. Thompson's nigger houses.

Q Some small houses around there, log houses? A No, sir, little brick houses.

Q How far was George Clark living from there at the time? A George Clark lived between four and five miles.

Mr. Smith: Have you the letters of administration issued to you by that court? A Yes, sir, I think so, I think I have at home.

Q If you can find them will you bring them here to-morrow?

A Yes, sir.

Andy Fry, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Andy Fry.

Q How old are you? A 66.

Q Where do you live? A I live southeast of Vinita about 12 miles on the Grand River.

Q Are you a Freedman? A Yes, sir.

Q So recognized by the Cherokee Nation? A Yes, sir.

Q Are you on the 1880 roll? A I guess I am, I have never looked but then I guess I am on that roll.

Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.

Q Do you know Med Lyons? A Yes, sir.

Q Do you know his brother Elias? A Yes, sir.

Q Do you know his sister Rachel Lyons? A Yes, sir.

Q Who was his father? A Jeff Lyons.

Q Who was their mother? A Their mother was: I most forget her name; I know it as well as I know any woman.

Q You don't remember her just now? A I can't remember her name just now, but I know her just as well as anybody.

Q Did you know Jeff Lyons in his life time? A Yes, sir.

Q Where did he live when the war came up? A He lived with Dr. Ross.

Q Was he a slave of some Cherokee? A Yes, sir.

Q Of who? A He went from Lewis Ross to Dr. Ross and lived with Dr. Ross.

Ned Lyons - 5.

Q Were the Rosses Cherokee citizens? A Yes, sir.

Q Do you know what became of Lyons during the war, whether he went out of the Cherokee Nation or not? A Yes, sir, he went up north.

Q Do you know when he came back? A He came back in '66, the winter of '66.

Q About where did he come to? A He came up on Russell Creek and stopped up there a while and then he came down on Cabin Creek and stayed there a while and he ~~harkum~~ heard of me being over on the other side of the river and he came to the river and hollered over and when I went to the river it was Lyons, a man I had knowed.

Q Was that before or after Christmas, in '66? A It was before Christmas.

Q This boy Ned Lyons, do you know where he was born? A Yes, sir, I know where he was born.

Q Where was he born? A Born there at Dr. Thompson's place.

Q Do you know of your own knowledge where his brother Elias was born? A He was born at Iola, Kansas.

Q Do you know where Rachel was born? A She was born this side of the river, right below Dr. Thompson's place.

Q Was she born before or after the war? A Rachel was born since the war.

Q Was Elias born before or after or during the war? A He was born about during of the war or just about the close of the war.

Q Where have these three children of Lyons been living since you first knew them? A Well, they lived near the river there all the while the old man lived, and one of them moved out west, I think one of them is living over there now, I think maybe a couple of them.

Q In or out of the Cherokee Nation? A No, they have been living in the Cherokee Nation all the time.

By W. V. Hastings: What place on Russell Creek did Jeff Lyons first come to? A He stayed up there this side of Chatopa.

Q Did he live there a while? A Yes, sir, he stayed up there a while in camps.

Q Who with? A In camps up there by himself, just him and his family.

Q You don't know how far from Chatopa? A No, sir, it was there on Russell Creek somewhere, around there towards that old timbered hill somewhere.

Q You don't know how long he stayed there? A I think he told me he stayed up there about three weeks.

Q And he went from there to Cabin Creek? A Yes, sir, and he was there in camps about three weeks.

Q In tents? A Yes, sir, in tents.

Q Anybody live up on Cabin Creek where he was camping? A Wasn't anybody at all there at the time.

Q Came on down to your place then? A Yes, sir.

Q You were on the other side of the river? A Yes, sir.

Q You helped him across? A Yes, sir.

Q Did he make a crop with you the next year, the year of '67?

A Yes, sir.

Q Was Jess Cochran living there that year? A Jess Cochran was living there but he moved out on Cabin Creek.

Q George Clark was living down there? A He was living down on the other side of the river somewhere, but I never seen George Clark till '67.

Q How many colored people made crops on that one place that year?

A There was me and Jeff and Tom Moore and Butler McHair, and Mose Hedrick.

Q Now you know Mose Hedrick didn't come there for two years, don't you? A He came there and made a crop there.

Q That year? A He came and made a crop in '67.

Q They had Jeff cited down at Tahlequah to appear before Bob

Ned Lyons - 6.

Daniels Court, didn't they? A I don't know, sir.

Q This same Bob Daniels you heard Allen Lynch testifyin' about?

A Yes, sir.

Q And Bob Daniels was the Chief Justice of that Court down there?

A Yes, sir.

Q In '71? A Yes, sir.

Q And you know Jeff Lyons and his family were cited down there, and Jeff did go down there to Tahlequah in '71? A I don't know whether he did or not.

Q I ask you if he went to Tahlequah? I don't know whether he did or not; I was living on this side of the river.

Mr. Smith: I object to this testimony without the production of the records.

Q Did he go to Tahlequah? A I don't know, sir, I never paid any attention to their Court cases, I was recognized by the Cherokees Nation at that time and never paid no attention to it.

Q You never paid any attention to '71 but you did to '68? A In '68 I was all right myself and I didn't pay no attention to that myself.

Q You were not a witness at Tahlequah in '71? A No, sir, if I had been called on I would have went, but nobody didn't call on me.

Q Do you know any other Jefferson Lyons among the colored people?

A No, sir.

Q You are pretty well acquainted among them? A Yes, sir, I am pretty well acquainted among them.

Q This Bob Daniels that lived out here was the same Bob Daniels, a member of that Court at that time? A Yes, sir.

Mr. Smith: Do you know anything of your own personal knowledge as to whether Jeff Ross' estate was administered on in the Cherokee Courts or not, or Jeff Lyons? A No, sir, I don't know for certain but I heard so, I can't swear it for certain, I heard it was.

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Anderson Lynch, being duly sworn and by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Anderson Lynch.

Q How old are you? A About 64 I think, as near as I know.

Q What is your post office? A Here at Vinita.

Q Are you sometime called Crop or Crop Lyn h? A Yes, sir.

Q But that is not right, it is Anderson? A Anderson, yes, sir.

Q Do you know Ned Lyons? A Yes, sir.

Q Do you know his sister Rachel? A Yes, sir.

Q Is her name Rachel Lyons, or is she married? A She was named Rachel Lyons when I knew her, she has married a Landrum.

Q Her name is Rachel Landrum then is it? (No answer.)

Q Do you know Ned Lyons brother Elias? A Yes, sir.

Q Did you know their father? A Yes, sir.

Q Who was their father? A Jeff Lyons.

Q Was he a slave during the war? A Yes, sir.

Q Who did he belong to? A He belonged to Lewis Ross when I knew him.

Q Was Lewis Ross a Cherokee and a citizen of the Nation? A Yes, sir.

Q Do you know what became of Jeff Lyons during the war, whether he stayed in the Cherokee Nation or went out? A He went out, went to Kansas.

Q Do you know whether he ever came back or not? A Yes, sir, I saw him back here.

Q When did you first see him back? A It was in -- it was along in the fall of '68 as well as I can remember about it, it was along in the winter, I don't know just exactly what time it was.

Q Where have these three children, Ned, Elias and Rachel lived?

A They lived over there just below the Dr. Thompson place, at a farm over there.

Q In the Cherokee Nation? A Yes, sir.

Ned Lyons - 7.

Q Lived there all their lives? A Yes, sir, he was hold not long  
Q I heard of some of them going out west.

Q When did they go when they went west, I am to know, right?

A Oh yes, well, you a little farther, somewhere out on the acre ks.

Q Did they still stay in the Cherokee Nation or did they go out?

A Yes, they were in the Cherokee Nation out there.

Q Do you know when Jeff Lyons died? A Yes, sir, I was over  
there directly after he died, but I don't remember just when.

Q Where did he die? A Right on his place at home.

Q About how many years ago? A I don't know, I never kept track  
of it.

Q Do you know whether his estate was administered on in the Cherokee  
Court or not? A No, sir, I don't know whether he was or not,  
whether he ever went down there.

Mr. Hastings: Did he die less than 80 years ago, Grant? Jeff Lyons  
die less than 80 years ago or more than 80 years ago? A I don't  
think it has been quite that long.

Q You saw him in '66? A Yes, sir, along in the winter of '66.

Q You don't know one year from another, do you? A Yes, I know.

Q What year is this? A This, I don't know just what, I never kept  
track of the year, but '66 is all I know.

Q You have just been told it was '63 and you stuck to it? A Well,  
'66 we were all on trial at that time pretty much, in '66 everybody  
was making back home.

Q You were all tried here before the Harris-Clifton Commission,  
everybody? A Well a good many of them.

Q That year was that in? A You are too hard for it, I never kept  
track of the year.

Q Most of the business is you never kept track of any of them?

A Not hardly, never paid much attention of it, went along on my  
business.

Q Who told you to say '66 here to-day? A Nobody, but I know what  
'66 was like.

Q How many years ago was it? A I don't know, I didn't keep  
track of it.

Q You can't count? A No, sir, can't count.

Q And don't know anything about the years of the calendar? A Don't  
know nothing about it.

Q You were here about Jeff Lyons having his case tried down at  
Tulsa a few years after the war when Mr. Rob Daniels was on the  
court? A I don't know whether he went or not there or not.

Q You don't remember about that? A No, sir; seems like to me  
a lot of the west turn there, but I don't know whether he was along  
there or not.

Q weren't you over there in the same neighborhood around with him?

A I lived on Lynch's Prairie and they lived back on Dr. Thompson's  
place.

Q Where did you live in the first year after the war; did you  
make a claim on this Dr. Thompson place? A No sir, no sir, I lived  
on the old Lynch place, me and Lon Lynch and Stephen Henry went  
from Lon Lynch and uncle Bill Buffington, he lives over there by the  
Hills on Reedy's Prairie, I expect you knew him.

Mr. Smith: When did you come back, or did you go out during the  
war? A Yes, sir, I went out.

Q When did you come back? A I can't back along in '65, the  
winter of '65.

Q What was there about '66 that you are talking about all these  
being on trial, what do you mean by that? A Well, there was everybody  
that was reading the papers out there that we had all better return  
home, that we had a show to get home, the war was ceased and so on.

Q When were you to get home, or did they read anything to you  
in the papers about that? A Yes, sir, they said we wanted to return  
home inside of '66.

Q And that is the reason why you remember '66? A Yes, sir.

Ned Lyons - 8.

Mr. Hastings: That is before you came back when you went up in K. K. K. that they were reading that to you? A Yes, sir, I first got hearing of it in K. K. K.

Q You heard that saying that up there, reading it in the papers, telling you to come back? A Yes, sir, that we all got to return home.

Q What year 'dat? A No, it wasn't in '80, must have been along in '85 when they were reading it.

Q They were reading it in '85 before you returned, before you had come back in '85? A They just said return back home, the train wasn't made then.

Q Then they wasn't reading it it hadn't been made? A They were reading for us to come back home, that the party had passed.

Q If you came back in '85, is that in time? A Yes, sir, a certain time.

Q That was in '85 before you come back here; you came here in '85? A Yes, sir, along in the winter of '85.

Q Have you ever been up before the Court for anything? A What Court?

Q Any of them; ever have you arrested? A No, sir.

Q Never did? A Yes, I have been arrested.

Q For what? A I was accused of murder once.

Q Ever arrested for anything else? A No, nothing else.

Q Marshall or officers never put you any other time?

A No, sir.

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Mr. Hastings: Mr. Smith, I want to offer in evidence this judgment.

Mr. Smith: (reads same) You can offer it, of course I object to it.

Mr. Hastings: The representative of the Cherokee Nation offer in testimony from pages 62 to page 63 of Minutes of Special Court of Cherokee, Supreme Court, 1871, records of the Cherokee Nation, and on page 62 is found: "Monday morning, June 5, 1871. Court met; Chief Justice R. B. Daniels and Associate Justice Stokely present. There being no cases ready for trial, Court adjourned till nine o'clock to-morrow morning, Tuesday morning, June 6, 1871." On this date, and on page 63 of the same book, appears the following: "Case of Jefferson Lyons and family. The Court issuing from evidence they are deprived the rights of Cherokee citizenship under the Ninth Article of the Cherokee Treaty of July, 1866."

Mr. Smith: Counsel for the applicant objects upon the ground that the entry offered is insufficient to show any judgment in any form and for the further reason that the Jefferson Lyons referred to is not in any way identified with the Jefferson Lyons who was the father of the applicant, and for the further reason that the applicant is not in any manner shown even by the said entry to have been a party to the proceedings now offered.

Commissioner: I suppose you doubted the authenticity of the record.

Mr. Smith: I don't make any question about that.

Commissioner: Ned Lyons applied for the enrollment of himself, his wife Nancy, and four children, Belsie, James E., Mahaley and Katie. He avers that he was married to one Mariah Landrum, now deceased, and that by said marriage he had one child Belsie, and the name of Mariah Landrum is found upon the authenticated roll of 1866, and the name of Belsie is found upon



Ned Lyons -9-

the Kerns-Clifton roll. He avers that after the death of his wife Mariah he married one Nancy Landrum, his present wife, and a name as Nancy Landrum is found upon the authenticated roll of 1880 and the census roll of 1896, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof of residence, consequently Nancy Lyons, wife of the applicant, and their four children as enumerated herein will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of the three younger children, it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant Ned Lyons, will be listed as Cherokee Freedmen upon a doubtful card, for the further consideration of the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail. His name is found, as stated, upon the Kerns-Clifton pay-roll, as well as upon the Wallace roll, and he is duly identified thereby.

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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.

Ernest C. Jones

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

*[Signature]*

County Public  
Notary Commissioner

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 11, 1901.

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman.

In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.

In the matter of the application of Elias Lyons for enrollment as a Cherokee Freedman

Supplemental Testimony.

Both applicant and the Cherokee Nation present by their attorneys of record.

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith:

Q What is your name? A Allen Lynch.

Q You testified here yesterday in the case of Ned Lyons, did you?

A Yes, sir.

Q You spoke of having acted as administrator on the estate of the father of Ned Lyons, who was Jefferson Lyons; I will ask you to look at that ~~time~~ paper (hands witness paper.) A I think this is what you want.

Q Look at this paper (hands witness paper.) A I can't read that writing.

Q Where did you get these papers? A I got some of them from Joe Ward.

Q Who was Joe Ward? A He was the Judge.

Q Judge of what? A Judge of Delaware district, District Judge.

Q In the Cherokee Nation? A Yes, sir, certified I think by Tom Buffington when he was Judge, one of them from the Agent.

Mr. Smith: Now if the Court please I desire to offer Letters of Administration issued on the first day of October, 1898, by J. L. Ward, Judge of the District Court of the Delaware District of the Cherokee Nation, letters of administration to Allen Lynch as administrator of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony because the same is not duly attested, does not bear the attest or the signature of the Clerk of the District, nor does it have his seal.

Commissioner: It will be filed.

Mr. Smith: Mr. Lynch, was the Jeff Lyons whose estate you testified that you administered, related to Ned Lyons in whose case you testified yesterday? A His father.

Mr. Smith: I desire to offer the report of Allen Lynch as administrator of the estate of Jeff Lyons, which was approved—

Mr. Hastings: The report will show for itself; don't give the contents in the filing.

Mr. Smith: I just submit it then.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to what purports to be a report, first for the reason that it is not a certified copy of the report; second, that it bears neither attestation or any official seal; third, it is not shown that the witness is the custodian of the official records of the Delaware district; and fourth, it is not shown that the records are lost; and lastly, that the record is the best testimony and this does not purport to be a copy of the record.

~~Commissioner~~: I don't see how there can be any excuse  
*Mr. Hastings*

for offering that last, because he don't claim to be the custodian of that, and it is just a fly leaf with marking on it.

Mr. Smith: I am not offering all my proof at this time, I will come to that later.

Mr. Hastings: I mean this, and I think that ought not to be allowed filed.

Mr. Smith: I will prove also I got through with it that that report was proved by T. M. Buffington, Judge, in the matter of the administration of the estate of this applicant's father, and it is not a certified copy because it is the original and signed by T. M. Buffington.

Mr. Smith: Now I offer an order of Court in the matter of the administration of Ned Lyons, signed by J. C. Ward, District Judge.

Commissioner: Is there any contention that this man here was the administrator?

Mr. Smith: They objected yesterday on the ground that his statement was not the best evidence of the fact.

Mr. Hastings: Comes now the attorneys for the Cherokee Nation and object to the piece of note paper upon which a few letters are written under day of May 7, 1889, claimed to be an order of Court, first, for the reason that it is not officially attested, there being no seal attached to the same; second, it is not shown that the records are lost or destroyed, and there has been no attempt to show the same in an official way, and third, it is not shown that this witness is the custodian of the official records.

Mr. Smith: Now I desire to offer a decision of the Indian Agent, Leo E. Bennett, located at Union Agency, dated Muskogee, June 13, 1889, in a matter pertaining to the administration of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo E. Bennett, United States Indian Agent, has no relevancy whatever in the matter in controversy.

Mr. Smith: Do you recollect Mr. Lynch with regard to the report of your expenses which I showed you, as to whether Mr. Buffington signed that; can you state whether he signed it or not, or do you remember?

Mr. Hastings: Objected to by the representative of the Cherokee Nation for the reason that the record is the best testimony, and it must be first shown that the record is lost or destroyed before outside testimony will be permitted to prove the same.

Mr. Smith: If the Court please, this is the record itself; it hasn't been lost because we have it right here.

Commissioner: Well, he ought not to be custodian of the records.

Mr. Smith: Well, there are a great many things during the administration of the Cherokee Courts that I don't understand.

Commissioner: I suppose the records of the Cherokee Court ought to show the appointment of this man as administrator; they objected to the letters from the fact that they were not duly attested. I don't know whether the Cherokee Nation has been in the habit of attesting letters by seal, by a Clerk with a seal as they do in God's country. Well, let the testimony go in for what it is worth.

Mr. Smith: I would like to prove — I suppose I might ask if there is any gentleman here who knows Mr. Tom Buffington's signature. (To Mr. Hastings) You will admit this is T. M. Buffington's signature; of course you are both familiar with it.

Mr. Hastings: I think it is; that his his name anyway.

Mr. Hastings (to witness): The mother of Ned Lyons and Elias and another sister, who are applicants here, died before 1880, didn't she?

A I don't remember whether she did or not.

Q You know she died? A Yes, sir, she died.

Q Jeff Lyons married a citizen a second time, a recognized citizen?

A Let me see, I don't remember but he married the last time to that woman, the mother of these children died.

Q You don't know whether his second wife was a recognized citizen; wasn't she? A Yes, sir, I guess so.

Q Did she die before Jeff did, his second wife? A I forget whether he married any more or not; he was a widower when he died.

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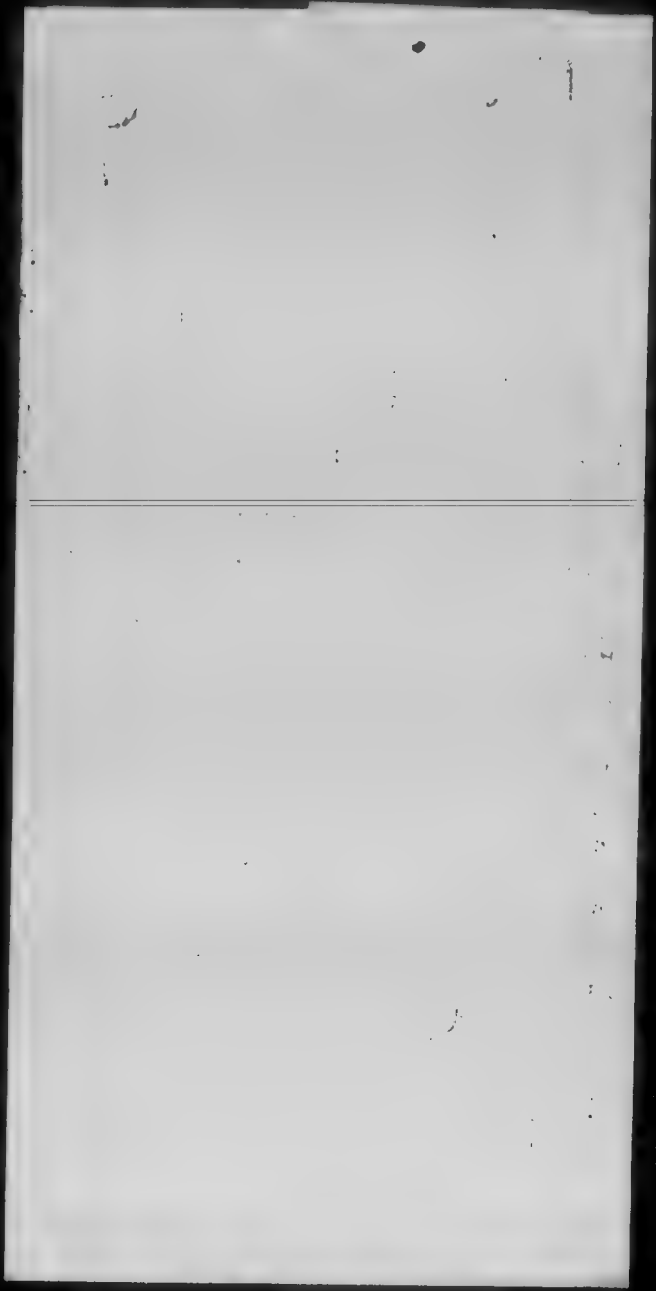
Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 14th of May, 1901.

*[Handwritten Signature]*

Commissioner.



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

F.-D.#251.  
F.-D.#253.  
F.-D.#252.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ned Lyons, D.#251, Elias Lyons, D.#253, and Rachel Landrum, D.#252, as Cherokee Freedmen:

APPEARANCES:

Mr. Smith, of firm of Mellette & Smith, Attorneys for Applicants.

Mr. W. W. Hastings, for the Cherokee Nation.

MR. HASTINGS: Comes now the Representatives of the Cherokee Nation and offer in testimony a certified copy of the records of the Executive Department of the Cherokee Nation, filed in case of Altha and Oscar Moore, D. #357, showing that Jefferson Lyons presented a petition and was granted a license to marry Lou Eza Buffinton by F. T. Carey, Clerk of Delaware District, on the 12th day of February, 1879.

MR. SMITH: Applicants object to the introduction of that testimony as not tending to prove any issue in this case, and for the further reason that it is not the best testimony.

ALLEN LYNCH, called as a witness on the part of the Cherokee Nation, sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q Your name is Allen Lynch? A Yes, sir.  
Q Post office? A Vinita.  
Q What dis'tric' do you live in? A In Delaware.  
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.

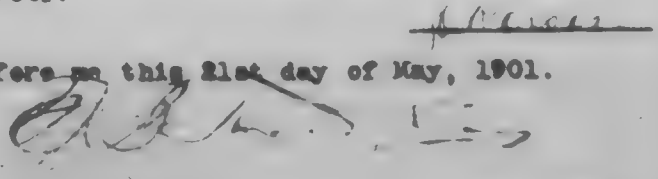
BY W. W. HASTINGS:

- Q Did you know Jefferson Lyons during his life time? A Yes, sir.  
Q He was the father of Elias? A Yes sir.  
Q Ned? A Yes, sir.  
Q And Rachel Landrum? A Yes, sir.  
Q Now, do you know when the mother of these three children I have just called died? A Well, about, yes, sir.  
Q Well, about when? A I don't know whether I could tell you just exactly the time.  
Q Well before '79? A (No response.)  
Q Who was Jeff Lyons' last wife? A You asked me that question before but I forgot; his last wife was Lou Eza Buffington, but I had forgotten it when you asked me before.  
Q And he married her about '79? A Somewheres along about there.

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

Subscribed and sworn to before me this 21st day of May, 1901.



Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
JUN 26 1901

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SUPPLEMENTAL TESTIMONY.

F.-D.#251.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHELSEA, I.T., JUNE 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of NED LYONS as a Cherokee Freedman.

G. W. CLARK, being called as a witness on the part of the Cherokee Nation and being duly sworn by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicant.  
Mr. W. W. Hastings, for Cherokee Nation.

BY MR. HASTINGS:

- Q What is your name? A G. W. Clark.  
Q What is your age? A 59 coming birthday.  
Q Mr. Clark, you lived in the Cherokee Nation before the war, did you? A Yes, sir, all my life.  
Q You went out of the Nation did you during the war? A Oh, I was occasionally in Arkansas, on the Arkansas line.  
Q You were in the army? A Yes, sir in and out of it.  
Q In the Northern army? A Yes, sir.  
Q Where were you mustered out? A Mustered out Fort Gibson.  
Q Now, where did you live the first year after the war, 1865? A I moved on the river; I lived here, my early days I lived at Tahlequah, Tahlequah district.  
Q In '65 where did you live? A The latter part of 1865; I went back there after I was married; I was married in Saline District, on Grand river, on the 8th day of June, and I moved up here and located on the west side of grand river.  
Q And where did you live in '66? A I made a crop there in '66.  
Q Where did you live in '67? A In '67 I moved up the river from there; I moved there in the fall of '65 and left that place in the fall of '66.  
Q Did you know a colored man who went by the name of Jeff Lyons or Jeff Ross? A Yes, sir.  
Q Did he have a son by the name of Ned? A Yes, sir.  
Q And another one by the name of Elias? A Yes, sir.  
Q When did you first see him after the war? A '68.  
Q How far did he stay from you? A He stayed about two miles, two or three miles down on the river, about three miles.  
Q Did you know him well? A Yes, sir, well acquainted with old Jeff.  
Q Did you ever hire him? A Yes, sir, stacked wheat for me for years.  
Q You know when he came back then? A He came back in the spring of '68, because he stacked wheat for me that year, and he was talking about coming back.  
Q You lived there for years afterwards? A Yes, sir.  
Q You know him well? A Yes, sir.  
Q He is dead now I believe isn't he? A Yes, sir.

BY MR. SMITH:

- Q About how old is Ned, about, now? A Well, I don't know, he ought to be a young man now, pretty good sized, he was boy like them  
Q Well, how big a boy was he in '68? A Well they was a small

chunk of a boy; I have been to his place, near there a many of a time and got him to work.

Q Which is the older Ned or Elias? A I don't know; I don't know as I know Elias.

Q How did he have any girls? A I think he had.

Q How many? A I disremember, I know he had one; I don't know how many children he did have.

Q Well, can't you remember, you knew the family, how many members there were; can't you remember how many girls and boys there were?

Q I think there were four or five children.

Q You think there were more than this three? A Yes, sir.

Q You are not certain about that? A No, sir, I am not certain how many his family got to be.

Q He lived close to you and worked for you; what is the reason you can't remember about how many he had? A I never mixed up with them; I just come to hire Jeff I never went there and mixed up with them; just like you do at my place I never noticed.

Q All you say about this is you can't tell which one is the biggest?

A I don't know whether I could or not.

Q Can't you think which is the oldest Ned or Elias? A No, sir, I can't believe I could, that is long off.

Q Well, you know all about exactly what you did? A Not everything I do.

Q I am not going to ask you now about what you do; you keep up with your loves, you know the dates that you made them and all about them afterwards? A No, sir, I don't know the exact dates.

Q With regard to your own business; you know about in regard to other people's; you don't remember that far back? A No, sir, it is right hard to remember.

Q It is right hard to remember what other people were doing 35 or 36 years ago? A Yes, sir, it is a pretty long swear anyway; but I remember this old gentleman as much as anything else; me and him trafficed together; he brought a good mule with him down there and I swapped him a cow and kinda swindled him.

Q How much do you think you got away with him on that?

A I don't know.

Q Well, now, Judge, if anything you may have heard about Jeff Lyons coming back after the war; you don't know when he came back?

A Yes, sir, I know he come back to the neighborhood and he said.

Q Well, outside of what he said, you don't know when he came back to the Cherokee Nation, A No, sir.

Q You saw him first in 1868? A Yes, sir.

Q You can't say of your own personal knowledge how long Jefferson Lyons had been back in the Cherokee Nation at the time you saw him in '68 can you? A I don't know exactly how to answer that.

Q You know what your personal knowledge is confined to? A Well it is just like you, Mr. Smith, I know when you come to Vinita, if you lived anywhere around Vinita, before that, I don't know.

BY MR. HASTINGS:

Q Now, Mr. Clark, I was going to ask you if you were telling the members of his family, while he lived there at his place? A What?

Q You were asked about the members of Jeff Lyons' family while he was living there? A Yes, sir.

Q You remember how many of them were born before they come down there and remember how many were born afterwards? A No, sir.

Q You don't remember how many he had when he come there?

A No, sir, I don't.

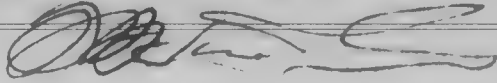
Supl. F.-D. #251.--3.

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JUN 26 1901  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND OFFICES

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

*J. O. Rossen*

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



Commissioner.

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CONFIDENTIAL

... before me this 20th day of ... 1957.

...

... the above proceedings and that the foregoing is a true and complete copy of the same as the same were read and reported in full to the Commission on the 15th day of ... 1957.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 22, 1901

By W. W. Hastings, Cherokee representative:

" In Freedman Doubtful  
case #357, Alta Moore, I want to file the testimony in the case of  
Ned Lyons, C. F. D. 251"

BY THE COMMISSION: The request made by the representatives of the  
Cherokee Nation will be complied with.

\* \* \* \* \*

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

*Chas von Weise*

Subscribed and sworn to before me this the 30th of October, 1901.

*[Signature]*

Commissioner.

( COPY )

To be filed with Nos. B-36, D-1328,  
T-251-D-252, D-253 and D-357.

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

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

APPEARANCES:

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

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

BY HASTINGS:

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

BY BROWN:

- Q Mr. Moore, you know Willie Frye? A Yes, sir.  
Q Do you know when Willie Frye and Andy Frye married? A No sir  
I dont.

- About when? A I don't know at all, I couldn't tell you.
- Q Were they married when war come up? A I couldn't tell you that, I never saw them until after they come there.
- Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.
- Q Tell me you say Andy Frye returned in '67? A '66.
- Q You said '67 awhile ago? A '66, if I said '67 it is a mistake.
- Q '66 is when they returned; you say Mose Hardrick returned with him? A No, sir he didn't come with Andy.
- Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Courtright returned to the Cherokee nation with Mose Hardrick? A No, sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
- Q Andy is on the 1880 roll? A Yes, sir.
- Q They come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
- Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
- Q Well about how many weeks would you think? A I don't know.
- Q How many months? A Oh it would be to the best of my recollection it would be about 5 or 4 or 3 months, I wouldn't say positively because I don't know exactly.
- Q How did you fix the month in which Mose Hardrick returned to the Cherokee nation? A How did I fix it?
- Q Yes, sir? A I don't understand what you mean, my aunt.
- Q You said he returned in April or May? A I said as well as I remember it was April or May; it was after grass was up.
- Q You remember the grass being up? A Yes, sir.
- Q Does the fact hit the grass being up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Neuse Manning, they all of them went to Lucy Hildebrand's in the spring of '67 to a census taker.
- Q To a census taker? A Yes, sir, was a census taker; that was in '67.
- Q What month was that? A That was about June or July as well as I remember.
- Q They took a census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did.
- Q He returned to the Cherokee nation with Mose Hardrick?
- A Old man Jeff and my uncle.
- Q What is his name? A Tom Moore, and Uncle Butler McHair as well as I remember, and I didn't know who else of them moved right on the Foster Thompson land.
- Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes, sir.
- Q Is he the Thomas Moore that lived up there now? A No, that is my brother.
- Q The woman M. Moore that lives up there now he come back with his brother didn't he? A He come back with me and my step-father; that's my brother.
- Q Were you a witness in this case before the Kern-Clifton Commission? A No, sir.
- Q Were you a witness in this case before John . . . place when the Wallace roll was made? A No, sir.
- Q You know the . . . folks . . . now didn't you?
- A Yes, sir.
- Q In what year was the Wallace roll made? A Wallace roll, it seems to me like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was.
- Q Your best judgment is it was '94? A I don't say positively.
- Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 26 years old I think.
- Q In what year was it born? A What year was she born?

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

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

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

Q After you think you don't know much more about it than do you?

MR. HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and nonsensical

BY COMMISSION: Objection is sustained

BY HASTINGS:

Q Now Nelse in answer to a question awhile ago from me you stated that Andy Frye come down with Mose Hardrick in the Spring of '67? Did you intend to say that? A No sir, I didn't intend to say it, Andy Frye and Uncle Tobe Schrimsher and Uncle Peter Williams and them come down in the Spring of '6, but Mose Hardrick didn't come with them; I didn't intend to say that, because I know that wasn't so.

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

BY BROWN:

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

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

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

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

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

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

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

Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question. That's why you stated it? A Time they come.

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

BY MR. HASTINGS:

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

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

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

"Delaware,  
Colored Doubtful Roll."

Said book being labeled,

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

On the fly leaf of said book appears the following,

"Docket of applicants Cherokee Citizenship, 1871,  
Honorable Chief Justice N.B. Daniel, S. K. Turner, Clerk."

By BROWN:

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

BY COMMISSION: Objection will be duly noted.

BY HASTINGS:

The Cherokee nation offers in evidence the following



from page 26 of Records of the Cherokee Nation entitled  
"Docket of the Chambers Commission on Citizenship:"  
"Moses Hardrick appl'd 3rd Jany. '78: set for 10 July  
continued 24 July."

A marginal note ~~by~~ red ink as the side of this entry is as follows:

" Decree adverse to claimant."

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

BY COMMISSION: Objection will be duly noted.

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

BY BROWN: Oh no.

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

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

(Signed) M. D. Green

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

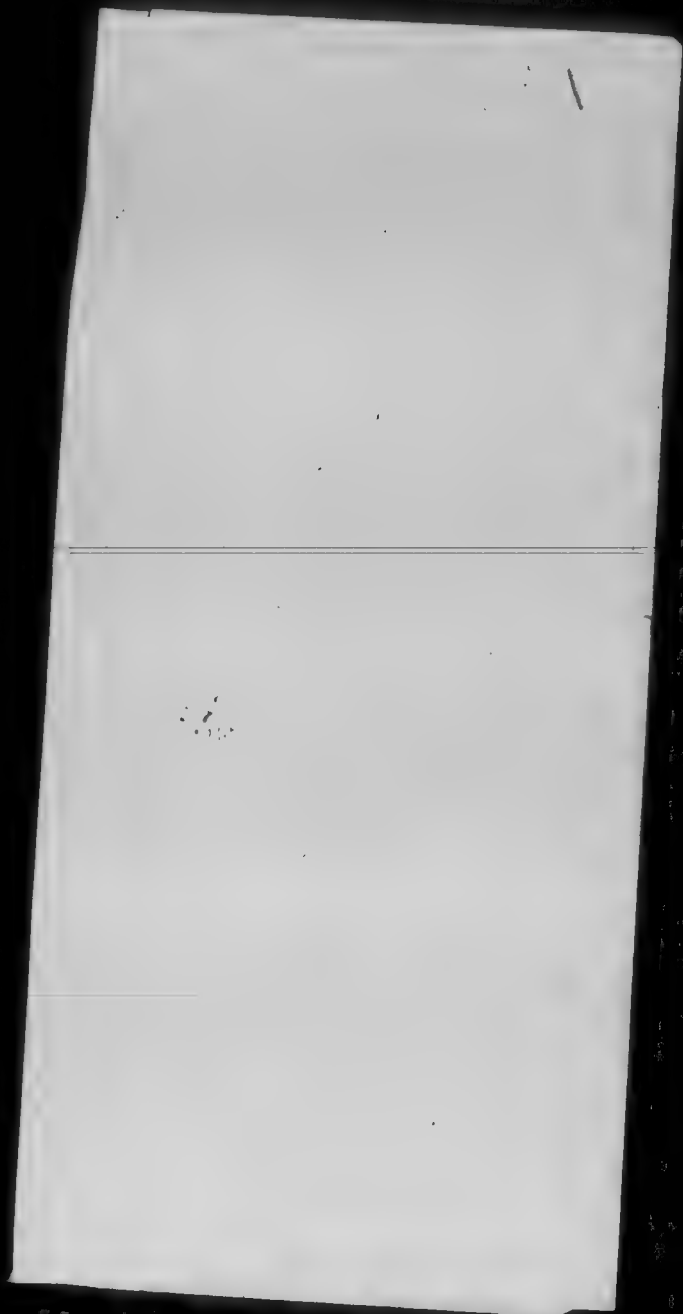
(Signed) T. B. Needles  
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Lucy M. Bowman

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

Charles D. Sawyer  
Notary Public.



F. D-251.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 19, 1902.

In the matter of the application of Ned Lyons for the enrollment of himself as a Cherokee freedman.

APPEARANCES:

Mellette & Smith for applicant.  
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of 1871, as it appears of record in the book entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," and found on one of the pages thereof, the same being numbered 7, at the top of the page is found Delaware colored doubtful roll, as follows:

"Jefferson Lyons, Too late, and family.  
Decided against defendants June 6, 1871."

MR. SMITH: The applicants object to the introduction of the above evidence for the reasons, first, that the same is incompetent, immaterial, irrelevant, and does not tend to prove any issue in this case; second, that the entry offered or alleged decision is insufficient in law to prove or tend to prove that any decision was ever rendered; third, because there is no proof that the Jefferson Lyons mentioned in said entry was in any way connected with the applicants herein, because said applicants were not the parties if there was any decision; and fourth, because it is incompetent to prove any entry of any record of the Cherokee Nation in the manner and form herein.

MR. HASTINGS: The Cherokee Nation offers this judgment for the purpose of showing that there was a free and full and fair investigation within five years after '66, when all the witnesses were alive who knew the time that these colored people returned to the Cherokee Nation, and the decision then by the Supreme Court of the Cherokee Nation was rendered against them, which should be binding upon this Commission.

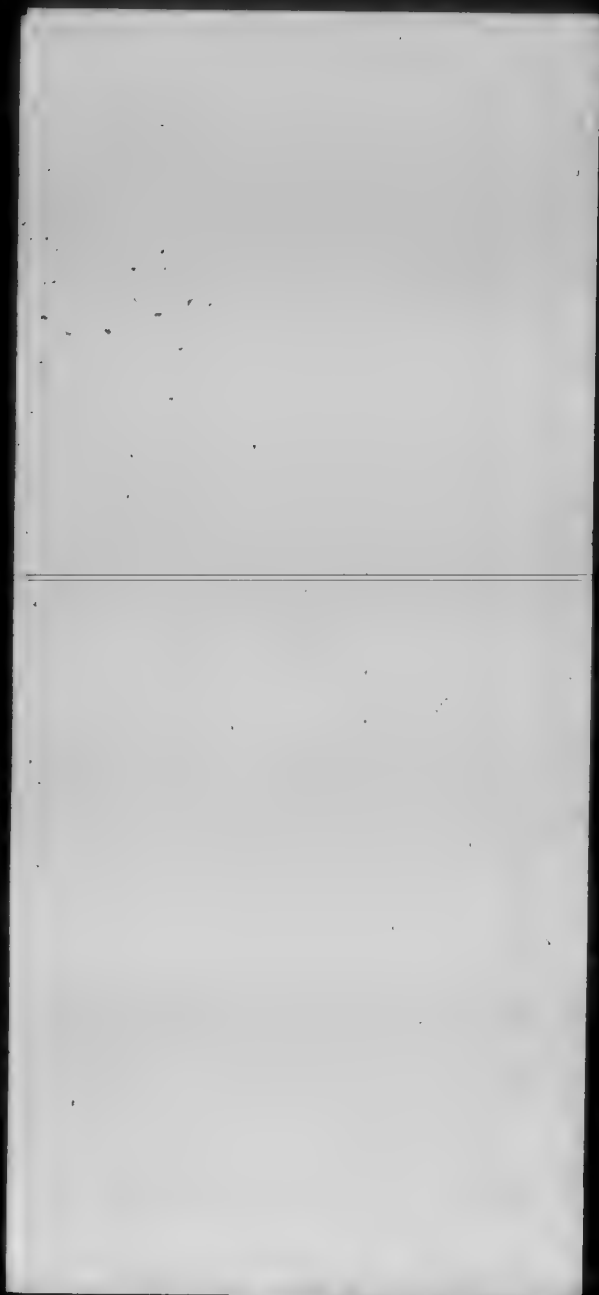
MR. SMITH: The applicant moves to strike the last remarks of counsel from the record, being incompetent, immaterial and irrelevant.

COMMISSION: This testimony will be filed in the following freedmen cases; Rachel Landrum, D-252; Elias Lyons, D-253, and in the case of Ned Lyons, D-251. It appears from the records of the Commission that the above named applicants are all represented by Mellette & Smith.

Arthur C. 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 above and foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23th day of May, 1902.

*Arthur C. 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 FERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Melletto 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 Whitman, Trustee for the Freedmen, vs The Cherokee Nation, No. 18808 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:

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**Ed Lyons, D 881;**

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 Bill 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 commission 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 and the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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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.

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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.

Cherokee Freedmen R 541, 544, 546, 590  
70.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., MAY 24, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application  
for the enrollment of THOMAS MAXFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Starr & Patten.  
For Cherokee Nation, J. S. Davenport and L. B. Bell.

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By Mr. Davenport:

The representatives of the Cherokee Nation desire to introduce the entry in the book of assessment for 1866, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

By Mr. Patten:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle.
8	Adams, Warren	3	60	1
Value	No. of Hogs	Average value of all	Average Per. Property.	
12	1	Value \$	19	
Total	Deduct Constitutional exemption			Remarks.
92	300			(Bitte) "Country"

Q Has that entry been changed, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.  
Q I wish you would examine the book which you have before you, and see if you find any assessment in 1866 of Nathan Buffin? A Yes, sir.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy, and that the above and foregoing is an excerpt copy of the record of proceedings had on May 24 and 25, 1906, in the matter of the application for the enrollment, as Cherokee freedmen, of Thomas Mayfield, et al., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo. H. Lessley

Subscribed and sworn to before me this 1st day of September, 1906.

Charles E. Stebbins  
Notary Public.



Cherokee Freedmen R 574-536-543-  
557-599-631-579.  
Cherokee Freedmen R 36-D 87-1328-  
251-252-253-357-731.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., F. R. 574 et al., and GEORGE IRONS, ET AL., F R 36 et al.

APPEARANCES:

For Applicants, Starr & Patten.  
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The records of this office show that on April 5, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. H. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A J. H. Walters.  
Q Where do you live? A At Iola, Kansas.  
Q How long have you lived there? A Since the 19th of July, 1861.  
Q What is your age? A 62 the 5th day of last March.  
Q Were you a soldier in the Civil War? A I was.  
Q When were you mustered out of service? A The 19th of September, 1865.  
Q Where were you living in the year 1866? A I was living one mile north of Iola.  
Q Were you acquainted with a colored man in that neighborhood by the name of Mose Hardrick? A Yes sir, I was.  
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.  
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.  
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.  
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly inadmissible because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

- A No I cannot say that I heard that he had left there. A I didn't see him and that is all I know about it.
- Q Didn't see him after that time? A No sir.
- Q Have you lived in that neighborhood ever since? A Yes sir.
- Q Have you seen him in that community since? A No sir, not until I met him here today.
- Q Do you know of there being a house built in that neighborhood known as the Dan Horville house a good many years ago? A Yes sir.
- Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quarried the rock for the foundation and cellar.

BY MR. HASTINGS:

- Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March, 1866? A I lost sight of him.
- Q Never made any inquiry and had no occasion? A No sir.
- Q And don't know what become of him? A No sir.
- Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what become of them. Some went to one place and some others, and others may have remained there?
- A Yes sir, I think that might have been the case.

W I T N E S S   E X C U S E D .

FELIX LORANCE, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Felix Lorange.
- Q Where do you live? A I live in Elk County, Kansas.
- Q How old are you? A I am 58 years old last 31st day of April.
- Q Were you ever in the army? A No sir, I wasn't in the army.
- Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
- Q Did you know about that time a ~~xx~~ colored man by the name of Mose Hardrick? A Yes sir.
- Q Did you know Jeff Lyons? A I knew a darkey called Jeff, for instance we called a negro named Jeff, we called him "igger Jeff."
- Q Did you know one named "Nigger Butler?" A Yes sir.
- Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
- Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, that is up ~~at the~~ <sup>northwest</sup> part of my father's farm in Allen County, that is up ~~at the~~ <sup>northwest</sup> part of the year, he left there in the fall of 1866.
- Q Is this Mose Hardrick the same as the applicant in this case?
- A This man right here.

- Q You could identify him could you? A After I looked at him awhile, when he was there he wasn't lame or crippled up.
- Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
- Q Did he work there in the fall of 1866? A The first part of it.
- Q Where did Jeff Lyons live? A I don,t know
- Q Do you remember how long Mose Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
- Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
- Q What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
- Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
- Q In what year was it? A 1866.
- Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
- Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
- Q Do you remember when Dan Horville's house was built? A Well I was there, but I don,t remember ~~ix~~ anything about the dates at all. I didn't work on it any when it was built.
- Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don,t remember when it was built.
- Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
- Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
- Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1868.
- Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
- Q When did you return? A June, 1866.
- Q Was it that same year or different years these parties left?
- A That same year.
- Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
- Q The following year you farmed that ground? A Yes sir.
- Q When was that? A 1867.

BY R. HASTINGS:

- Q When were you married? A The first time in 1870.
- Q You were not married then? A No sir, I was just 18 years old. I was born in 1848.
- Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.
- Q You mentioned a man named Jeff and Butler and "Nigger Tom?" A Yes sir.
- Q Did they leave and come with him? A I never saw them afterwards.
- Q I asked did they leave? A I don't know, there was a bunch left at the same time? Mose left.
- Q You didn't have any knowledge about Jeff? you don't know where he lived? A No sir.
- Q Are you prepared to say he come off with Mose? A I don't know, there was a bunch left there.
- Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Mose or not.
- Q How about this man Tom? A I don't know anything about him.
- Q Did you ever see either of these after Mose left? A No sir.
- Q Are you certain of that? A Pretty so, I never saw one that I remember of.
- Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.
- Q Who directed your attention to it? A I don't know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.
- Q How long ago was it? A A couple of months, I expect since I saw him.
- Q Did you know Moses' wife's name? A I think her name was Patience.
- Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
- Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
- Q Do you know of the youngest one? A No sir.
- Q Do you know whether they were boys or girls? A I don't know that, he had a small family there? He lived in their own house and we lived in ours.
- Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.
- Q You don't know of him coming to the Cherokee Nation? A Never saw him from the time he left there.
- Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.
- Q Did Mose ever live on that Eastwood place west of the Neosho River? A I don't remember.
- Q Did he ever live on that Worville place? A I don't think he did, but I don't remember.
- Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don't remember her.
- Q Did he have any children? A I don't know whether he did or not.
- Q Did you ever see Butler McNair's wife? A I don't think I did.
- Q Did he have any children? A I don't know.
- Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.
- Q When were you told what Mose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience and us kids would kind of make a little game of it.
- Q If she did your washing you don't remember the children's names?
- A No sir.

- Q You don't know how many there were? A No sir.
- Q Do you know whether they were boys or girls? A I think the older ones were boys but I am not positive.
- Q How long did your father live, is he dead now? A He has been dead about 20 years.
- Q Was he living in 1872? A Yes sir.
- Q In 1876? A Yes sir.
- Q Who was living on your father's place in 1872? A He was there.
- Q Your father? A Yes sir.
- Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
- Q Did you ever go back there at all. A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
- Q You don't know who was there,--what of those years between them or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
- Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
- Q Who cultivated your farm? A I did myself, and sometimes had hired men.
- Q Who worked for you at that time? A I don't remember.
- Q It is mighty hard to remember those things? A Yes, unless you have got something to go by.
- Q You would not undertake to remember it? A No sir. I don't suppose I would remember Mose unless it was by my brothers coming out of the army and my going on the plains. and coming back.
- Q Suppose he says he come in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
- Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
- Q You don't know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows;

BY MR. PATTEN:

- Q State your name? A James L. Christy.
- Q Where do you live? A In Allen County, Kansas.
- Q Is that near Iola? A Yes sir, I live 1 1/4 miles northwest of Iola now.
- Q Were you enlisted as a soldier during the Civil War? A Yes sir.
- Q When were you mustered out? A August 16, 1864.
- Q Where were you living in 1866? A Two miles north of Iola.
- Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
- Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
- Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
- Q Did you know Butler McNair? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McNair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
- Q Where was Mose Hardrick Living? A On a man's place named Lorance.

- Q How far was that from where you lived? A About a mile and a half.
- Q Did you see these people frequently? A Yes sir, with them every week.
- Q Do you know how long Mose Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Mose in 1865.
- Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Mose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
- Q When did they leave that community up there? A To the best of my knowledge sometime in October.
- Q What year? A 1866.
- Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
- Q Did they take their effects with them when they left, moved completely out? A I don't know, I know they rigged up in wagons, and whether they took all I don't know.
- Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
- Q How long did you live in that community continuously after that? A I guess I lived right there for 10 years.
- Q Did you ever see these people after that time you say they left? A No sir, I never did.
- Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
- Q Did you ever see them there after that time? A No sir.
- Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Mose Hardrick and some of these colored fellows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
- Q Did they say where they were going? A My understanding was to the Nation.
- BY MR. HASTINGS:
- Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
- Q Was that in January or February, 1866? No sir, it was in August.
- Q Why couldn't that have been in August, 1867? A Because I wasn't right at that place in August, 1867.
- Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
- Q What time in 1867 did you get married? A November, 1867.
- Q Then you were not married in August, 1867? A No sir.
- Q And you were not married in October, 1867? A No sir.
- Q Were you on your father's place? A I was on my father's place part of the time.
- Q How old did you say you were? A I didn't state but I will be 66 the 12th day of July.

- Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
- Q That was your head-quarters? A Yes sir.
- Q Now you of course don't know where these parties went? A No sir.
- Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
- Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
- Q You state they all left together? A That was my understanding.
- Q You are as positive about one as the other? A Yes sir.
- Q What was Butler McNair wife's name? A I think it was Betsey.
- Q Did they have any children? A I don't think they did.
- Q What was Jeff Lyon's wife's name? A I don't know.
- Q Did they have any children? A I don't know.
- Q Were you ever at his house? A No sir, I don't know as I was at his house.
- Q Then you didn't see him when he was loading his wagon? A No sir.
- Q And you didn't see Butler McNair? A He had his wagon loaded.
- Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
- 
- Q You don't know that? A I am not positive as to the date but I am pretty sure they all left together.
- Q You are not positive as to the date but you are positive as to them leaving all together? A Yes sir.
- Q You didn't know Tom Moore's wife? A I have seen her.
- Q You don't know her name? A No sir.
- Q Do you know what place he lived? A On Coover's place at Carlile.
- Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
- Q Well now did your father raise any wheat in 1867? A Yes sir.
- Q Did he raise some in 1865? A We tried to raise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
- Q Did you raise some in 1868? A Yes sir, I think we did.
- Q Did you raise any in 1869? A I think may be we did. We generally sowed wheat every year.
- Q Well did you? A We sowed every year.
- Q I mean did you have it sown on your place? A No sir, not on my place.
- Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
- Q Did he have some wheat in 1869? A I think he did.
- Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
- Q The same man? A No sir.
- Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate Wisdom thrashed in there for 21 years.
- Q Do you know whether it was 1869 or '70? A I think it was 1869.
- Q Are you positive about that? A Yes sir, I am pretty positive.
- Q What time in 1869? A I think it was in the fall.
- Q You were not down at Mose Hardrick's when he left? A No sir, but I was there several times and heard of his leaving.
- Q You heard of his leaving? A Yes sir.
- Q Didn't see him leave? A No sir, didn't see any of them leave.
- Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they were going and I sold Tom Moore a span of ponies to come with just a few days before they left.

- Q But you don't know whether he and Mose come together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbolt.
- Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case come up---
- Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
- Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
- Q What other of these people have you talked with? A I don't know, I don't know any of them but Mose.
- Q Talk with Mr. Starr? A Yes sir.
- Q When? A This morning the first time I ever seen him.
- Q Who did you talk with up in Kansas and who got you to come here?
- A Well the man I talked to up in Kansas was Parrymore.
- Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up--
- Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
- Q And the rest of you witnesses talked it over coming down here?
- A We didn't talk it over. Only two come with me.
- Q Who? A A man named Morse and a man named Byrd.
- Q Do you know any of the hands that helped you thrash in 1867?
- A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
- Q who was that? A John Walter.
- Q Who helped you in 1868? A Why John Walter I guess.
- Q Are you positive about that? A Well we always changed work.
- Q You had been in the habit of changing work are you positive you changed that time? A Well I don't know for sure.
- Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
- Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
- Q If he testified he come in the spring, it was some spring after that? A He was mistaken, not that spring.
- BY MR. PATERN:
- Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
- Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
- Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
- Q Did that instance help to regresh your memory? A Yes sir.
- Q In what way? A In the year that he tanned them. I knew what year it was.
- Q How do you happen to recall that instance of him tanning those hides for you? AA Well after he got them tanned he took them all away and I never got but one little hide.
- Q Did he take them all away? A Yes sir.
- Q You remember you lost your hides? A Yes sir.
- Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
- Q You spoke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.



Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On Behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.

Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:

Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Mose Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865,-- no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring.

Q And it was the next year after they damaged it the grass hoppers were bad up there that Mose left? A The last grass hoppers were there in the spring along--

Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.

Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.

Q Didn't hurt your crop in 1866? A No sir, it was in 1865.

Q But any how it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTEN:

Q Do you remember when the Dan Horville house was built? A Yes sir.

Q What year was it built in? A In the spring of 1866 they commenced it.

Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:

Q How far from Iola was the Dan Horville house? A It is a mile and a half from the center of the square.

Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.

Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.

Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.

Q Now out in that neighborhood? A Wasn't any settlement up there them days.

Q When was the first house built there? A Old Lyman Rowe built the first house east of there.

Q When was that? A In the fall of 1859.

Q What I am trying to get at there was nothing to impress it on your mind of anybody building a house around there? A Well yes I know, there was a lot of houses built around there.

Q You mean to sit up here and tell when those houses were built without anything to fix it on your memory? A I am the oldest settler in that country.

- Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
- Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
- Q Why then was the Dan Horville house? A He built the finest house in the country.
- Q Well aint there lots of fine house around in that country.
- A Yes sir, thereis now, but he built the first.
- Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S      E X C U S E D .

J. C. THOMAS, being furst duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A J. C. Thomas.
- Q What is your age? A 64.
- Q What is your post office? A Iola.
- Q Kansas? A Yes sir.
- Q How long have you lived in or around Iola, Kansas? A Ever since 1864.
- Q Where were you living in the spring of 1865? A I lived at Iola, near there, right in a half mile of the town.
- Q What direction from town? A West of town at the mill.
- Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
- Q By what name did you know him? A By Jeff.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A Mahala, she done my washing until I was married.
- Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing?
- A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
- Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
- Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
- Q Did you get a deed to that farm? A Yes sir.

MR. Starr. Mr. Hastings we want to have a notation made of this deed.

MR. Hastings: I have no objection whatever,

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described therein to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29, 1865. The deed is returned to the witness.

Q Now where was Jegg and Mahala at the time you bought this place?

Mr. Hastings: Objected to because he has made noconnection between the two as yet.

On Behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Cowhorn's place.

- Q How far was that from where you lived? A On part of the place, there was a lot cut off of his place.
- Q How long did you continue to live at that place? A From 1865 until the spring of 1866.
- Q Then where did you move? A On to this place.
- Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowhorn place.
- Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
- Q What became of Jeff and Mahala after that? A I don't know sir, I haven't seen them since.
- Q How long did they continue to live there after that, after you moved on to this other place? A I don't know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
- Q Did they leave that part of the country in 1866? A .

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

- A I never see them after that, don't know where they went.
- Q Never saw them since? A No sir.
- Q Now what was your understanding as to ~~the~~ where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will be noted.

- A My understanding was that they come down here. I asked why they left there so quick, I didn't think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:

- Q You don't know who you talked with? A No sir.
- Q And you don't know of your own personal knowledge when they left?
- A No sir, I don't.
- Q You cannot begin to testify and you aren't going to testify?
- A No sir.
- Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
- Q And you don't know whether they left that spring, or summer or when? A No sir.
- Q All you remember is that you didn't remember of seeing them after you moved? A No sir.

W I T N E S S E X C U S E D .

ELIZABETH THOMAS, being first duly sworn testified as follows:

BY MR. STARR:

- Q What is your name? A My name is Elizabeth Thomas.
- Q What is your age? A I am 64.
- Q What is your post office? A Iola, Kansas.
- Q How long have you lived in or around Iola, Kansas? A Well since 1858, the fall of 1858.

- Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there about 100 yards.
- Q Are you acquainted with a colored man named Jeff Lyons in 1865?  
A Yes sir.
- Q Did you know his wife Mah-la? A Yes sir, she lived there close.
- Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
- Q Did you know them there in 1866? A I never saw them until here.
- Q When did you leave the place? A In the spring of 1866.
- Q Did you see them around there after the time you left? A Yes sir, before we left.
- Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
- Q Now when was it that they came to the Cherokee Nation? A Well sir---

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On Behalf of the Commissioner: The objection will be noted.

- A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
- Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:

- Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn't go with them.
- Q You didn't see them when they left there? A We went from that vicinity.
- Q Did you see them when they left? A No sir.
- Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
- Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
- Q Didn't you say you didn't see them after the spring of 1866? A I don't think I did.
- Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? The folks-

On behalf of the Commissioner: Answer his question, yes or no.

- A I didn't know that they were coming down here.
- Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
- Q Now you are determined to say that? A Well it is just hearsay, the same as our neighbors, everybody knows:
- Q Who lived on your place in 1867? A We lived there ourselves.
- Q Did you have any tenant? A No sir.
- Q Did you have any one in 1875? A No sir.
- Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
- Q What time did you move on this place in the summer? A In the spring, the first of March.

- Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
- Q You don't know where they were of your own personal knowledge?
- A No sir.
- Q Did they have any children? A Yes sir, one.
- Q What was its name? A Its name has slipped my mind.
- Q Boy or girl? A Boy.
- Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
- Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
- Q That had only one there and it was 5 or 6? A Yes sir.
- Q That was Jeff and Wahala? A I don't know, it was called theirs.
- Q Do you know where it was born? A No sir.
- Q Did they have any born while there? A Yes sir.
- Q You know that? A Yes sir, I know that.
- Q This one you knew is 5 or 6 years old? A I judge it was.
- Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:

- Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went where they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

- Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
- Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

On Behalf of the Commissioner: The objection will be noted.

We have never lived on but one place, we live right where we moved when we went to housekeeping.

- Q Was that the same year you moved on this place that these people were talking about Jeff and Wahala coming to the Cherokee Nation?
- A To the best of my knowledge it was.

BY MR. HASTINGS:

- Q Was it a month after you moved on your place? A It was more than a month.
- Q Two months? A I think it was that, well this Jeff just tended a crop that year.
- Q You don't know this? A I know the had to hire another hand, they said Jeff was gone.
- Q In making that crop? A Yes sir.
- Q Making a crop of corn? A Yes sir, a mixed crop I guess.
- Q That is what you recollect about it? A Yes sir, I wasn't on that place, I just seen the family once in a while.

W I T N E S S E X C U S E D.

On motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A.M.

On June 23, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A R. J. Morris.
- Q Where do you live? A Iola, Allen County, Kansas.
- Q How old are you? A Past 61.
- Q How long have you lived there? A A little bit over 50 years.
- Q Were you a soldier in the Civil War? A No sir.
- Q Did you know a man by the name of Mose Hardrick, a colored man about war time? A Yes sir.
- Q When did you first become acquainted with him? A Personally acquainted with him in 1864, we were out together in Price's Raid., there is where I got personally acquainted with Mose.
- Q Did you continue to know him after that time? A I did for a year or two.
- Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Forance.
- Q Where were you living at that time? A Two miles northwest on Deer Creek.
- Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
- Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Mose in town.
- Q Did you know Jeff Lyons? A Yes sir, I knew th man, I wasn't so much acquainted with him as I was with Mose.
- Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
- Q Did you know Butler McNair? A Yes sir.
- Q Where did these other people live, Jeff Lyons, where did he live? A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
- Q Was that close in the neighborhood where you lived? A Probably five miles.
- Q Where did Butler live? A On Deer Creek about 4 miles from me.
- Q Where did Tom live? A ON Coover's place, a mile north of where Butler lived.
- Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
- Q And where did they go, if you know? A I don't know, they left there and said---they were talking of coming back home, I sup ose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
- Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
- Q And a'out how long before you were married did they leave? A A year.
- Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
- Q Do you know when the Dan Horville house was built up in that community? A I couldn't say as to that, it was built in the early days.
- Q You don,t know what year? A No sir.

BY MR. HASTINGS:

- Q It is pretty long to remember when people's houses were built around there? A Well I will tell you that was about the finest house put up in that country then.
- Q But you cannot remember? A No sir, I couldn't say what year
- Q You would not like to say from an independent memory? A No sir.
- Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.
- Q You perhaps knew there was a colored man by that name? A Yes sir.
- Q You don't know the members of his family? A No sir.
- Q You don't know anything about the members of Tom Moore's family? A I knew his wife, a girl Rose, an adopted girl.
- Q How old was Rose? A She was just a little bit of a girl.
- Q About what age? A Probably 7 or 8 years old.
- Q Well now what place did Tom live on? A On Coover's place.
- Q About how far was that from where you lived? A About 4 miles.
- Q Well was that settlement around Iola pretty thickly settled? A Yes sir, totable.
- Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.
- Q You made no note or nothing of that? A No sir.
- Q You are just testifying from your own independent recollection? A Yes sir.
- Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.
- Q You are not going to state it here and swear positively as to that? A Only as to my recollection.
- Q You have no record guide you? A No sir.
- Q And the same is true of Butler McNair? A Yes sir.
- Q And of the others you have testified? A Yes sir, I would not attempt to say positively.
- Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.
- Q It is possible you could be though? A Yes sir.
- Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there before I was married.
- Q You have not nothing that connects your marriage with them? A No sir.
- Q They didn't attend your marriage or anything of that kind? A No sir.
- Q I mean did work ~~of~~ for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.
- Q Well I know, you often times thought have help around there? A They would have been there at the wedding.
- Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.
- Q As I understand you these were colored people living there in the country that you knew? A Yes sir.
- Q You knew a great many there, colored people there? A Yes sir.
- Q And these people dropped out of your sight about the time you indicated? A Yes sir.
- Q You are not going to testify as to where they went to? A No sir.
- Q You never saw them in the Cherokee Nation until recently? A No sir.
- Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground

- Q Might for aught you know? A Yes sir, we might meet in the happy hunting ground.
- Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
- Q That is all dropped out of your sight? A Yes sir.
- Q You were not there when either of them left? A No sir,

BY MR. PATTEN:

- Q You were more particular acquainted with Mose Hardick? A Yes sir, Mose more particularly.
- Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in the fall of 1866.
- Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being heresy.

On Behalf of the Commissioner: The objection will be noted

- A They were coming back home, back to the Territory, that was my understanding.

W I T N E S S E X C U S E D.

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Calvin Ross.
- Q How old are you? A 66, 67 next spring.
- Q Where do you live? A Iola, Kansas.
- Q How long have you lived there? A I have been there ever since the war.
- Q Did you know Mose Hardick during the war? A Yes sir, I knowed him.
- Q Did you know Jeff Lyons? A Yes sir.
- Q Did you know Butler McNair? A Yes sir.
- Q Did you know Tom Moore? A Yes sir.
- Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
- Q Did you go up there with them? A Yes sir.
- Q Were you in the Territory here before the war? A Yes sir. raised right over here on the Grand River.
- Q Did you go to Kansas with that party up there? A Yes sir.
- Q Where were you living in the year 1866 after the war? A Up there
- Q Where? A Iola.
- Q How far from Iola? A Right in town.
- Q Do you know where Mose Hardick was living then? A Yes sir.
- Q Where? A On the Lerance place.
- Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
- Q Do you know where Butler and Tom were living? A I don't exactly know, I know t they lived on Deer Creek there.
- Q Do you know when Mose Hardick and Jeff Lyons left the community up there? A Yes sir.
- Q When did they leave? A Along about '66 along about the fall like.
- Q Do you remember about what month or what time of the year? A Well it was fall of the year, latter part of August somewhere along there.



- Q That was in the year 1866? A Yes sir.
- Q Where did they go, if you know? A Well they started down here they said to the Nation.
- Q Have you lived in that community almost every since? A Yes sir.
- Q Have they ever been up there since? A I haven't seen them, never saw Mose until yesterday.
- Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross. A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
- Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.
- BY MR. HASTINGS:
- Q You are the same man that applied here for citizenship? A Not this court.
- Q Yes to this Commission? A When?
- Q Well are you? A No I aint applied for anythin in this court here.
- Q Did you ever apply? A I did in the Wallace court.
- Q About four years ago? A No sir, not 4 years ago.
- Q Have you ever applied? A Why I did in the Wallace Court, I dont know how long that has been but then I wasn't living here.
- Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
- Q Who were your witnesses? A Why old man John Martin.
- Q Did you draw money from the Wallace Court. A Didn't get nothing not five cents.
- Q Did you make application to the Kern Clifton Commission in 1896? A No sir.
- Q Did you live in Iola, in the town of Iola? A Yes sir.
- Q Where did Mose live? A On the Lorance place North of town, north west.
- Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
- Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit time run out.
- Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the later part.
- Q Did Butler McNair leave at the same time? A Yes sir he and Tom Moore.
- Q All of them go? A Yes sir.
- Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
- Q You never come in 1866 yourself? A No sir.
- Q What was the first time you come here after the war. A Time of the Wallace Court.
- Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
- Q Did you apply for it? A I went to enroll and they----
- Q Did you get on? A Yes sir, they said I was on it.
- Q Did you get any money? A No sir, they took my name off.
- Q You don't know what year that was? A No sir.
- Q Are you married? A I have been.
- Q What year were you married? A '70.

- Q What were you doing up until 1870, you never was married? A What was I doing before I married.
- Q Yes, were you working up there? A Yes sir.
- Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
- Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
- Q What year was that? A I was down here last year.
- Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
- Q Do you remember the exact year you were here? A No sir.
- Q You don't know about those dates? A No sir no learning at all, I am no scholar.
- Q Can you sign your name? A No sir.
- Q Can't read nor write? A No sir.
- Q You are a colored man? A Yes sir I am colored.
- Q You were a slave yourself? A Yes sir.
- Q To whom did you belong to? A Lewis Ross.
- Q Where is that other Calvin Ross up there? A He lives at Vinita.
- Q Did he used to live at Iola? A Yes sir, I suppose he did.
- Q Don't you know? A Yes sir.
- Q Did Hardrick have some children up there in Kansas? A Yes sir. I think he had some.
- Q How many did he have? A I don't know that? That is something I never paid any attention to, him nor anybody else.
- Q Did Butler McNair have any children? A Well I don't know that.
- Q Well did Jeff Lyons have some? A Yes sir, he had some. I recollect a couple of girls; that was his wife's children.
- Q What were their names? A One named Peggie and An-na-Ki, by a man named Ike.
- Q Did Jeff have any children by her? A Yes sir, he had children by her.
- Q Up there? A Yes sir.
- Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
- Q Don't remember his name? A No sir.
- Q Have you lived continuously in Iola ever since? A Yes sir.
- Q In the same town? A Right there in town been nowhere else.
- Q Were you in the army? A Yes sir.
- Q After you were mustered out you just lived continuously in Iola? A Yes sir, right there.
- Q Is the wife you married in about 1870 living? A Dead.
- Q When did she die? A She has been dead about 12 years I believe.
- Q Do you remember the year she died in? A No sir.
- Q You don't remember? A No sir, I don't know anything at all about such things.
- Q You don't know anything about dates? A No sir.
- Q You don't remember the date she died? A No sir.
- Q You are not going to testify about dates? A No sir.
- Q You are unlearned and cannot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
- Q Did you have some children born to you? A No sir.
- Q Never had any children at no time? A No sir, never did.
- Q You are just testifying now from independent recollection? A What I tell is what I recollect.
- Q But you have just said you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
- Q And you said you don't know anything about dates? A Well I know about back in 1866, about that time I know that because that was the second year after I come home from the army.

- Q But you don't know what year your wife died? A No sir, I don't know that.
- Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
- Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between those years 1866 to 1906? A Well I don't know that that is.
- Q Do you know anything occurred in 1876? A I don't know that.
- Q Do you know anything occurred in 1886? A I never paid attention to such things.
- Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
- Q When were you asked to testify in this case? A I was up at Iola.
- Q Who come to see you about it? A I don't know the man.
- Q Well who was it? A I don't know but he was--I guess you all know him better than I do.
- Q Who subpoenaed you to come down here A Why it was a Government man, he said he was doing Government business.
- Q Did he say he was a Deputy Marshal? A Yes sir.
- Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
- Q Did he read a subpoenae to you? A No sir, he didn't read anything
- Q Did he say he had one? A He didn't tell me that neither.
- Q What was his name,--Parrymore? A I don't know.
- Q Was that his name? A I never heard the man's name called.
- Q But without knowing who it was or anything about him, you come?
- A Yes sir, I don't know anything about his name he never told me his name at all, he told me what day to come.
- Q What year is this? A 1906 I believe.
- Q Are you certain.? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Davis.
- Q What is your age? A 51 going on 52.
- Q What is your post office? A Vinita.
- Q Are you acquainted with the applicant M<sup>o</sup>se Hardrick? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Did you know Butler McNair in his life time? A Yes sir.
- Q Did you know old man Tom Moore? A Yes sir.
- Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
- Q When was the first time you saw the applicant Moses Hardfick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
- Q Where was he when you saw him? A Over there on Spring Creek.
- Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
- Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime or the first of February.
- Q January 1867? A Yes sir.
- Q Where was he? A He was up on the River on the old DR. Thompson place where Wimer Thompson lives now.
- Q What was he doing there? A He was living there.

- Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
- Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
- Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January 1867? A Yes sir, ever since to my recollection.
- Q Never has lived anywhere else? A Not as I know of.
- Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
- Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
- Q In the Dr. Thompson house? X Yes sir, in that house.
- Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there, working there.
- Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.
- BY MR. HASTINGS:
- Q How old are you now? A 51 years old, going on 52.
- Q You were just a boy then? A Yes sir.
- Q How old were you then? A I suppose I was, I don't know, about 11 years old, 10 or 11.
- Q You were a slave yourself before the war? A Yes sir.
- Q What is your wife's name? A Belle Davis.
- Q What was her maiden name? A Belle Bains.
- Q Is she an applicant for citizenship? A She was born and raised in Texas.
- Q Is she an applicant for Freedman citizenship? A No sir, she is an intermarried, she is a State woman.
- Q Were you ever married before? A No sir, this is the first one I ever married in my life.
- Q Where were you living in 1866? A Well sir I was living at two different place. I was living up there on Grand River, there is where I settled I moved from Fort Gibson up there.
- Q When did you go from Fort Gibson? A Sometime in the summer.
- Q On whose place? A Our own place.
- Q Who was with you. A My Uncle.
- Q Who was he? A William Tucker.
- Q Who made a crop on the Len Lynch place in 1867? A Well I don't know about that.
- Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
- Q Did Jeff Lyons have any children with him when you saw him? A Well I don't recollect, there were some children, I think he did though.
- Q Did Mose Hardrick have any? A Yes sir.
- Q How many? A I don't recollect, had several of them,--Jeff Lyons lets see---
- Q I am asking about Mose now? A Well he has had so many children I don't recollect.
- Q Well at that time? A Yes sir, I think he did.
- Q How what children did he have? A I know of one, Eliza.
- Q Did he have any others? A Yes sir, two or three more there.
- Q What were their names? A I don't recollect--there was Jesiah.
- Q He had him there when you first saw him? A No sir, he didn't have him then.
- Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
- Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
- Q What was the next one? A Well I don't recollect, he had several children.

- Q How many did he have? A I said I don't know.
- Q Don't recollect that? A No sir.
- Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
- Q You can't tell about that? A No sir, had two or three, 3 or 4 there were lots of children there.
- Q You were only a boy yourself, you would have known children? A Yes Sir, that is how come me to know them, I played with them.
- Q Was Butler McHair there at that time? A Well I don't recollect, it has been so long, I can't recollect all of them.
- Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
- Q You didn't belong to the same people- these people did before the war? A No sir but I knowed them.
- Q You were only 5 or 6 years old during the war? A Yes sir.
- Q You were born in 1866 or 1867? A Born the 27th of March 1866.
- Q Was Tom Moore at this Thompson place? A Yes sir.
- Q Did he have a wife? A Yes sir.
- Q What was her name. A I don't recollect.
- Q Was she there? A I don't recollect.
- Q You cannot recollect, it has been so long ago? A No sir.
- Q Where did you live in 1867? A On Spring Creek.
- Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
- Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
- Q Where did you live in 1869? A On Cabin.
- Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Called it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
- Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
- Q Were you down there in 1868? A Yes sir, I think I was there in 1868, come around by there.
- Q Who cultivated that place that year? A I don't recollect.
- Q Do you know who cultivated it in 1870? A No sir.
- Q Do you know who cultivated the Bob Daniels place in 1866? A No sir.
- Q Do you know who cultivated the Lynch place in 1866? A Which one of the Lynch places.
- Q Lon Lynch place belonged to his father? A No sir, I don't .You see I didn't live up there with them people at all.
- Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with them.
- Q Are you certain you saw Butler McHair up there at that time? A Yes sir,--well I wont be positive.
- Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I wont be positive about Butler McHair
- Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
- Q Now lets commence again, what children did Hese Hadrick have up there at that time? A I know he had Eliza.
- Q The others? A It seems he had a girl, I forget, I know he had two or three.
- Q Hese Moore living there at that time? A Yes sir.
- Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
- Q What others lived there, now named them all? A I have named all I recollect of.

- Q Now lets go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them? That has been a long time ago and I couldn't be positive to state but all of them people were living in that house
- Q It is a long time to testify about? A Yes sir.
- Q And you don't want to be positive about that? A Yes sir I am positive I saw Uncle Mose Hardrick there because I knew him so well.
- Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
- Q Well who else? A I seen Aunt Sallie Lyons.
- Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore' mother.
- Q What was her name? A I think it was Aunt Sallie.
- Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
- Q His mother was named Sarah? A Not Sarah, I think it was Sallie. it has been so long I forgot,---No Mahala that was it.
- Q Who told you? A I just happened to think of it.
- Q You just heard one of the boys back there say it, didn't you?
- A No sir, but that was her name.
- Q She was living there then? A Yes sir.
- Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
- Q You are ready to testify about them. A Yes sir, you too.
- Q But you are not ready to testify what children Mose had? A Yes sir, I can testify to that.
- Q Give them here? A I cannot give them all.
- Q The n you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
- Q Did he have any others? A Yes sir, two or three more.
- Q What were their names? A I don't recollect it, --there was Cy.
- Q He was there at that time? A I don't recollect whether Cy was the there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the oldest.
- Q What I am trying to get at, you say Mose had some two or three. other children there at that time and I am asking you the names of any of them except Eliza, that was there in January 1867?
- A I don't recollect the names.
- Q But know he had them? A Yes sir, I know he had them.
- Q Was he living up stairs or down stairs? A I don't recollect that.
- Q Do you remember who was living up stairs? A No sir.
- Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
- Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
- Q You don't know who was living there on the Lynch place, Len Lynch's father? A No sir, I didn't live up in that country.
- Q You don't know who lived on the Johnson Thompson place? A No sir I don't, it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
- Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
- Q You couldn't say that? A No sir.

- Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.
- Q When did you know of his living there,--lots of time you know of a man living there but not personally acquainted with him? A Well I would know--I knew he was living there along in '70.
- Q That as the first time you ever saw him there, that is what I am asking you? A I don't recollect.
- Q You don't recollect that? A No sir.
- Q How far is the Johnson Thompson place from the Dr. Thompson place? A Well I don't know that, it isn't very far though.
- Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the River and the Johnson Thompson place on the other.
- Q What side of the river is Dr. Thompson place? A On the east side.
- Q And the Johnson Thompson place is on the west side? A Yes sir.
- Q I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
- Q And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
- Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER:

- Q Are you related to Mose Hardrick? A None at all sir.
- Q Are you related to Jeff and Mahala Lyons? A No sir.
- Q Mike Moore? A No sir.
- Q How far did you live from them before the war, Mose Hardrick? A It was, I expect 4 45 miles.
- Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time I seen Uncle Mose.
- Q Where was it? A He was up there at our place.
- Q Do you remember what year it was? A Yes sir, I think I do.
- Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
- Q He was at your place? A Yes sir.
- Q Was any one there with him? A Yes sir, several of them.
- Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
- Q What were they doing there? A Well I don't recollect.
- Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
- Q Do you remember him being at your place before that time? A Yes sir.
- Q Can you name another time he was there before this? A Yes, sir, I can recollect him ever since I have been big enough to recollect.
- Q The last time you remember seeing him before the war was in 1860? A Yes sir, somewhere along there, '59 or '60 about the time the war commenced.
- Q Do you know where he went from your place? A No sir, guess he went back home.
- Q Did you see him any more until you say you saw him in January 1867? A Yes sir.
- Q When? A I seen him sometime along in December of 1866?
- Q Did you see any other freedmen up there about that time? A Yes sir.
- Q Name them? A Well I cannot name all. There was several of us.
- Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Magrove and our family and Uncle Nous Magrove.
- Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
- Q You were how old then? A About 10 or 11 years.
- Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime before Christmas.

- Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.
- Q Could you read and write at that time? A No sir.

BY MR. STARR:

- Q About this Bob Daniels place, how many Daniels places were there around the country? A I don't know, I ain't very well acquainted with the Daniels place.
- Q Were you very well acquainted with this Lon Lynch place in 1867? A No sir, I wasn't around there very much at that time. 15 or 16 miles from there.

BY MR. HASTINGS:

- Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
- Q You don't have any idea about that? A No sir, I couldn't say. I didn't live within 40 miles of him.
- Q You don't know whether he had a wife before the war or not? A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

W I T N E S S E X C U S E D .

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A William Bird.
- Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness, William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18, that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearings are not required previous to the introduction of such witnesses.



On Behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reopen the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., in view of the advise to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Jennie Downing.  
Q How old are you? A About 54 years old.  
Q What is your post office address? A Catale.  
Q Where were you living in the latter part of the year 1866? A The latter part.  
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.  
Q Are you a duly enrolled Cherokee freedman? A Yes sir.  
Q Were you out of the Cherokee Nation during the war? A Yes sir.  
Q When did you return? A Returned back here in 1866.  
Q Who did you come back with? A With Andy Frye, my Uncle.  
Q How were you acquainted with Mose Hardrick before the war? A No sir.  
Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.  
Q Which side of the Grand River is that place on? A It is on the east side.  
Q Did you know Jeff Lyon about that time? A Yes sir.  
Q When was the first time you saw Jeff Lyons after the war? A At the same place.  
Q About what time was that? A It was in the winter time.  
A Of what year? A 1866.  
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.  
Q That is when you saw Jeff Lyons? A Yes sir.  
Q And did he move over on that Thompson place? A Yes sir.  
Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

- Q How long after Jeff Lyons moved on that place did Mose Hardrick move there? A I don't know.
- Q Was it a long time or short time? A It wan't so very long after he come I don't suppose. I would not be positive just how long.
- Q Did you know Mike Moore? A Yes sir.
- Q Did you know Cynthia Lynch? A Yes sir.
- Q Did they have a school anywhere in that neighborhood about that time? A Yes sir.
- Q Where did they have that school? A At old Johnson Thompson's place.
- Q Who taught it? A Cynthia Lynch.
- Q What time? A In the spring.
- Q Do you know about when that school started? A No sir, it was in the spring.
- Q Did Mike Moore go to that school? A Yes sir.
- Q Did you? A Yes sir.
- Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

- A Yes sir, Mike went there then.
- Q And that was when? A That was in the spring.
- Q Of what year? A '67 or '66, '67 I think it was.
- Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
- Q When was that? A In March.
- Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
- Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
- Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.
- BY MR. HASTINGS:
- Q Mose Hardrick ever lose any other children? A Any of his children.
- Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
- Q After that? A Just before or after that.
- Q What year did the other one die? A I don't know.
- Q Don't have any idea about that? A No sir, I don't know.
- Q You don't know whether it was one year before, or two years after?
- A No sir, I don't.
- Q It may have been 5 years afterwards? A I couldn't tell.
- Q You have got no idea about that? A No sir.
- Q You had no education before this, you couldn't read and write at this time? A No sir.
- Q You would not like to be positive about this like that? A no sir.
- Q Did Mose Hardrick lose any children? A Not that I know of.
- Q Did Jeff Lyons ever lose any? A Not that I know of.
- Q Did Hela Moore ever lose any? A Not that I know of.
- Q Did anybody else in that country ever lose any? A Not at that time you speak of.
- Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children die?
- A They had some to die.
- Q Who? A I don't know, Mose Hardrick might have lost some too.

- Q Well how long afterwards? A I couldn't tell you.
- Q Don't you know the date Mose lost his children? A No sir, I don't.
- Q But they were after that time? A Yes sir, I suppose they were.
- Q Well how long did you live there in that neighborhood after that?
- A Why we moved ~~there~~ from there, we didn't live so long awhile before we moved away.
- Q About how many years? A I guess it was a year, or it may have been a little longer.
- Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
- Q Probably two years? A Yes sir, before we moved away from there.
- Q How far did you move from there? A I don't know.
- Q In the same neighborhood? A No sir, we moved on the Filmore Hicks place.
- Q How far from this Thompson place? A I don't know just how far?
- Q About 5 or 6 miles? A Yes sir, I guess it was.
- Q Do you know what year you moved down there? A No sir, I don't.
- Q How long did you live down there? A About two seasons.
- Q Do you know what year you left down there? A No sir.
- Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
- 
- Q Were you married afterwards or were you married at that time?
- A Married afterwards.
- Q What year were you married? A I was married in, I would not be positive, I was married in '74.
- Q You would not be positive about that? A I think it was.
- Q Do you know what year they made the Wallace roll? A If I mistake not I think it was in '95 or '96, something like that.
- Q That is when they made the Wallace roll? A I think it was.
- Q Now when did they make the Kern-Clifton roll? A I disremember, I won't be positive about that.
- Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
- Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
- Q In that same year of 1880? A I think they paid off money that year.
- Q What time of the year? A I don't remember.
- Q You don't recollect it? A No sir.
- Q Don't know whether it was spring, fall, summer or winter? A No sir.
- Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
- Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
- Q Don't you have any idea? A No sir.
- Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
- Q He was afterwards a merchant up there? A He was?
- Q Wasn't he? A I suppose so.
- Q Don't you know that? A They say he was a merchant.
- Q Didn't you ever see him? A I saw him at a distance but never went to his store.
- Q Didn't you ever know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
- Q How far were those two places apart? A They are not very far apart, the river is between them.

- Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
- Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
- Q Don't have the slightest idea about it? A I could have a slight idea but that would not do me any good to tell it.
- Q What is your judgment about it? A I don't know, I couldn't tell you.
- Q You have got no judgment at all about it? A When he returned? Yes? A No sir, I have seen him.
- Q How did Mose come down there? A I couldn't tell you.
- Q You don't have any idea? A No sir.
- Q Did he have a wife? A Not when I saw him.
- Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
- Q As much as 3 or 4? A I don't know.
- Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
- Q How many years after that before you saw his wife and family? A I guess probably a month, or two or three months when I saw his family.
- Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
- Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
- Q When did you leave the Dr. Thompson place. A I don't know.
- Q How long after Christmas? A Quite awhile.
- Q Two or three months? A I couldn't tell just when it was we left that place.
- Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
- Q There on the Thompson place? A Yes sir.
- Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
- Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
- Q That was after you left the Thompson place? A Yes sir.
- Q Then that was after March? A I suppose so, when I saw his wife.
- Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
- Q Anybody else with him? A Nobody with him when I saw him.
- Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
- Q Where did he come from? A Come from across the river when he come there.
- Q He wasn't living in that house? A No sir, not the first time.
- Q He wasn't living there until after you left? A After we left he moved there.
- Q Anyhow up until the time you left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house? A No sir, he wasn't there when I left, I suppose he moved in after we left.
- Q Well you never saw Jeff Lyons there at all? A Yes sir.
- Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
- Q Did he have his wife? A Yes sir.
- Q The first time you saw him? A Yes sir.
- Q Where were they living? A Right there on the same place.
- Q On the Thompson place? A Yes sir.
- Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
- Q That was Jeff? A Yes sir.
- Q What was Jeff's wife's name? A Patience.

- Q That was Jeff Lyons' wife? A Mahala I mean.  
Q Now you say it was Mahala, you see her? A Yes sir.  
Q Did you see Butler McNair there? A No sir.  
Q You didn't see Tom Moore? A No sir.  
Q They never come there while you were at the Thompson place? A No sir.  
Q Now if I recollect right, you lived there at the Thompson place until after they started school there and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.  
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:

- Q How old are you? A I am 64 years old.  
Q Your post office name? A Yes sir.  
Q Are you a Cherokee freedman? A Yes sir.  
Q Have you got any children? Yes sir.  
Q What are their names? A Louvina Downing, Henry, Walter, Maggie, and Lydia.  
Q Are they enrolled with you? A Yes sir.  
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.  
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

WITNESSES EXCUSED.

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Bean.  
Q What is your age? A 60.  
Q What is your post office address? A Chaffee.  
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.  
Q Did you know Jeff Lyons in his life time? A Yes sir.  
Q Did you know his wife, Jeff's wife? A Yes sir.  
Q Where were you in the year 1866? A I was down here.  
Q Down where? A Down here in the Nation.  
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.  
Q You were in the Horse Creek fight? A Yes sir.  
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight, as well as I remember.  
Q Where was he then? A He was there on Grand River.  
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.  
Q How long after the Horse Creek fight was it when you saw them?  
A I don't just remember how long it was, a month or such a matter, maybe have been longer.  
Q It may have been a month or six weeks after the Horse Creek fight?  
A Yes sir.

BY MR. HASTINGS:

- Q Where did you see them? A At the Dr. Thompson place.
- Q They were living there with their wives? A No sir, I didn't see their wives.
- Q Didn't have their wives? A Not over there.
- Q How long did you stay there? A Just a very short while, about two or three hours.
- Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
- Q No? A I am positive it was the same time right after the Horse Creek fight.
- Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know the date when it was.
- Q You were a slave? A Yes sir.
- Q You couldn't read and write at that time? A No sir.
- Q You didn't have any education at all? A No sir.
- Q How many years afterwards before you saw Moses' wife, as many as two or three years? A No sir.
- Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about ----
- Q As early as October? A Yes sir.
- Q Well, it was before it got cold weather? A Yes sir, when I first seed Mose.
- 
- Q The leaves were not dead on the trees then? A About, just about the first frost.
- Q But you didn't see 'oses' wife? A No sir, not at that time.
- Q Was he living there at that time? A Don't know as he had, I don't think he was.
- Q You don't think his family was there? A No sir, I don't know as it was.
- Q Did you know Mose before the war? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
- Q You didn't see Jeff Lyon's wife? A No sir.
- Q Make any inquiries about her? A No sir.
- Q Did you know her before the war? A Yes sir.
- Q What year was the Wallace roll made? A I don't just remember.
- Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
- Q Old slaves don't remember these dates very well? A Old slaves remember one thing in this country, about when '66 was.
- Q You all remember 1866? A I do.
- Q You all know you have got to testify as to 1866? A Yes sir.
- Q And that has been talked to you for 10 or 15 years? A Yes sir.
- Q It was talked to you when the Wallace roll was made? A Yes sir, before that.
- Q What year were you married? A I don't remember, never kept no record of it.
- Q Have you got any children? A Yes sir.
- Q Do you know what year the first one was born? A No sir.
- Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
- Q You don't know when your second child was born do you? A No sir, I don't remember.
- Q How many did you have Joe? A I believe I have got 14.
- Q You don't know when any of them were born? A I don't remember the year they were born. The children get so they could read they put it down, I didn't keep no trace of it, I didn't have to.
- Q So you don't know about any of the dates of their birth? A I don't remember.
- Q Did you ever lose any children? A Yes sir.
- Q Was it your oldest one? A No sir.

- Q You don't remember what year it died, do you? A No sir.
- Q Did you lose more than one? A Yes sir.
- Q How many have you lost Joe? A 8.
- Q You have lost 11? A Yes sir.
- Q You don't mean you have got 14 living? A No sir.
- Q Had 14 all together and have lost 8? A Yes sir.
- Q Do you know the year any one of them died? A No sir.
- Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to keep track of '00.
- Q That is all you kept track of? A That is all I tried to keep track of.
- Q Who come to you and talked to you about testifying in this case? A Nobody.
- Q Nobody never talked to you at all as to what you would testify? A I don't remember any person.
- Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
- Q Well now you are positive about that? A No sir, I aint positive about it.
- Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mose, I believe it was someone asked me if I would testify in his case.
- Q When did you see one, yesterday? A I saw him yesterday and I saw him sooner.
- Q When did he first talk to you about testifying in this case? A It has been about two months ago.
- Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
- Q And you don't remember how long it was after you first saw Mose before you saw his wife? A No sir, I don't remember how long it was.
- Q May have been two or three years? A No sir, it wasn't that long.
- Q It may have been a year? A I don't think it was that long.
- Q You are not going to be positive about that? A No sir, I won't be positive.
- Q How long was it before you saw Jeff's wife after you saw Jeff? A Saw them about the same time.
- Q The two women? A Yes sir.
- Q Did they have any children then when you first saw them? A Yes sir.
- Q Now what children did Mose have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
- Q Did Jeff have any children? A Yes sir.
- Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
- Q How far did you live from the Dr. Thompson place? A 8 miles.
- Q Were you ever up there after October? A Yes sir.
- Q When was the next time you were up there? A It was -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
- Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Corn was up pretty good.
- Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
- Q Did you see her there when you were there the first time? A I don't remember.
- Q Did you see Fels Moore? A I don't remember seeing him.

- Q Did you see Tom Moore? A I don't remember.  
Q Did you see Butler McNair? A No sir.  
Q On whose place did you live 8 miles south? A I stayed on Crap Lynch's place.  
Q Was Crap down there at that time? A Yes sir, he was on the old---  
Q Arsenie place? A No sir, it is the old Landrum place. Charles Landrum.  
Q Did you know Johnson Thompson? A Yes sir.  
Q Was he living up there just across the river from this Dr. Thompson place? A I didn't see him.  
Q Did you see him the next spring? A No sir.

BY MR. STARR:

- Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.

- Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever testified in this case before? A No sir.  
Q How far do you live from Mose Hardrick now? A 40 miles I reckon.  
Q Have you lived that distance from him for the last 5 years?  
A Yes sir.  
Q Have you seen him frequently during that time? A Yes sir, I have seen him.  
Q Did you see him a number of times when the Commission was making the Cherokee roll out incamp? A Yes sir.  
Q Did you ever say anything to you at that time about getting you to testify for him? A No sir.

WITNESSES EXCUSED.

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATIEN:

- Q What is your name? A Zep Downing.  
Q About how old are you? A About 56 years old.  
Q What is your post office address? A Catale.  
Q Where were you living in the winter of 1866? A I was living On Grand River.  
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.  
Q Did you know Jeff Lyons before the war? A Yes sir.  
Q Were you acquainted with Butler McNair? A Yes sir.  
Q And Tom Moore? A Yes sir.  
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time along about winter, something long after February, '66, something along there.



- Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
- Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
- Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
- Q Where did you see him? A I saw him up there at the Thompson Place.
- Q What Thompson place? A Dr. Thompson place.
- Q Did you ever go to school there? A Yes sir, I went to school there.
- Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
- Q When was that school going on there? A Something along near that time or little after, along about that time.
- Q About what time? A February or March, something along there.
- Q Now that was February or March of what year? A '66, that is as near as I can come at it.
- Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
- Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
- Q When was the first time you saw Mose Hardrick? A It was some-time shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been along in the latter part of that month, but it was shortly after wards, it was in the winter.
- Q Were they moving in there or living there? A They were moving in.
- Q Do you know where they were moving in? A They were coming from across the river.
- Q You say that that was in February, or about February I believe, 1866? A Yes sir.
- Q Did that follow the year 1865 or was it, --I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
- Q That followed then the Christmas of 1865? A Yes sir.
- Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:

- Q Can you read and write? A No sir.
- Q Never could read? A No sir.
- Q You were a slave yourself? A Yes sir.
- Q Did you know Jennie Downing, who was on the stand? A Yes sir.
- Q She is your wife? A Yes sir.
- Q Where were you living at the time you say you saw Jeff Lyons first?
- A I was living down in the bottom below old Dr. Thompson place.
- Q How far? A About 3 miles.
- Q Did you see Andy Frye up there at that time? A Yes sir.
- Q Did you see Nels Moore up there? A Yes sir.
- Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is Jennie your wife now? A Yes sir.
- Q Do you live together? A Yes sir.

BY "R. PATRICK":

- Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

- Q How which was it? A Which?  
Q When did you move on that Thompson place or in that neighborhood, where you were living? A In '66.  
Q What time of the year? A Along in the fall. My father was already living there.  
Q Were you out of the Cherokee Nation during the war? A Yes sir.  
Q You are certain that that was February 1866 and not February, 1867? A It was February '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Thomas H. Moore.  
Q What is your age? A 55  
Q What is your post office? A Ketchum, I.T.  
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir  
Q Did you know Jeff Lyons in his life time? A Yes sir.  
Q Did you know Mike Moore? A Yes sir.  
Q Did you know Butler McNair? A Yes sir.  
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.  
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.  
Q Where were they located? A One is on the south side of the Grand River and the other on the northwest side of Grand River.  
Q Do you know where the Dr. Thompson place is located? A Yes sir.  
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.  
Q Now where is the other one? A I would call it on the north side the way the river runs.  
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.  
Q Did you see Jeff Lyons any time after the close of the Civil war? A Yes sir.  
Q Where did you see him? A At the Dr. Thompson place.  
Q When was that? A In the winter of '66.  
Q What time in the winter? A Sometime along after Christmas.  
Q How long after Christmas? A A short time.  
Q Well about what month was it? A About January I reckon.  
Q Where was he then? A He was up at the Thompson place.  
Q Did you see Mose Hardrick? A Yes sir.  
Q When was that? A He lived at that Thompson place too.  
Q What place did he live on? A He lived on the same place.  
Q That is on Dr. Thompson's place? A Yes sir.  
Q When was it you saw him there? A It was along that same spring and winter.  
Q What kind of a house was there on that Dr. Thompson place? A Brick house.  
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.  
Q Who else? A Mose Hardrick lived in one.  
Q Who else? A Jeff Lyons lived there.  
Q Any one else? A Tobe Schrimsher.  
Q Who else? A Peter Williams.  
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.  
Q What time was it that Andy Frye went into that house? A In the fall.

- Q Of what year? A '66.  
Q He lived there th t winter did he? A Yes sir.  
Q Now was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.  
Q Was there any school taught there? A Yes sir.  
Q Who was the teacher? A Mrs. Lynch now, she was---  
Q What is her first name? A Cynthia Lynch.  
Q Did you go to that school? A Yes sir.  
Q Do you remember Mike Moore, whether he went to that school or not?  
A Yes sir.  
Q When did he go to that school? A That spring of '67 as near as I can remember.  
Q Did he go all of the season? A Yes sir.  
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.  
Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.  
Q When did you see Butler McNair around there? A That was sometime in the early part of that same spring they were farming there, all making crops there.  
Q Did Butler McNair have his wife with him when he come down here?  
A No sir, I don't think he did.  
Q When did she come? A I don't know.  
Q Did you ever see her? A Yes sir.  
Q When? A Why later, after that.  
Q Good while afterwards? A Yes sir.  
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.  
Q When did she come? A I think the next fall after he made a crop.  
Q Did he go back to Kansas and get her. A Yes sir.  
Q Where did Butler McNair move when he left the Dr. Thompson place?  
A Down the river some place to the old home place where he used to live.  
Q Where did Tom Moore go to from there? A Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:

- Q What year were you born? A 1851.  
Q You was just a boy then at the close of the war? A Yes sir.  
Q You were a slave were you? A Yes sir.  
Q Could you read and write when the war closed? A I couldn't very much, have learned a little since then.  
Q I said when the war closed? A No sir.  
Q Did Andy Frye have any children to die besides Harvey? A I don't know.  
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.  
Q How long after Harvey died? A I don't know.  
Q Two years or 10? A I don't know.  
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.  
Q Do you know who dug the grave? A I wasn't there. I was at the burying.  
Q At the other children? A I was at the burying when they buried Joe.  
Q Was he a girl or boy? A He was a man.  
Q Do you know when he died? A I don't know the year.  
Q But you were at his burial? A Yes sir.  
Q You were there in the neighborhood when he died? A Have been there all my life.  
Q You don't know who dug that grave? A The neighborhood dug it there no certain person.

- Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
- Q What were their names? A Got one dead named Winnie.
- Q Now who dug these graves for Mose Hardrick's children? A Why all the neighborhood, the men around there.
- Q You don't know who did it? A Just all of us.
- Q No particular one? A No sir, a whole lot of us.
- Q What year was it? A Somewhere a way back yonder in them days.
- Q Can you come in 10 years of when either of them died?
- A This girl when she died she was about grown, and I guess it has been about that long since she died.
- Q It has been about that long? A May be longer, I don't know.
- Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
- Q Didn't keep any record of these dates? A No sir.
- Q Are you related to Mose Hardrick? A No sir.
- Q Are you related to Jeff Lyons? A No sir.
- Q Are you related to these Moore children? A Yes sir.
- Q Do you know Mike Moore? A Yes sir.
- 
- Q What kin is he to you? A Yes sir.
- Q You knew his mother Mahala? A Yes sir.
- Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
- Q Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
- Q What is your best judgment? A About 8, maybe 10.
- Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
- Q You don't know what year he was born? A No sir.
- Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
- Q What place did you come to? A Stepped at Johnson Thompson place.
- Q How long did you stay there? A About four weeks.
- Q Then where did you go? A Moved across the river to the Bob Daniels place.
- Q Was that across the river? A Yes sir, on the south side of the river.
- Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
- Q Where did you come to from there? A Fort Gibson.
- Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
- Q Stayed there from the winter of 1866 until the spring of 1867?
- A Stayed there until the spring of '66, until the winter of '66 to the spring, then we moved back.
- Q Then you ~~remained~~ remained in Fort Gibson until the spring of '67? A No sir, we were up -----
- Q How long did you remain in Fort Gibson? A Stayed there, ---we remained there a couple of months maybe a little longer, I don't know.
- Q Well what time did you go there? A Went there that winter. Winter after Christmas and stayed there until spring, then we moved back up ye this Daniels place.
- Q To the Bob Daniels place? A Yes sir.
- Q Which Bob Daniels place did you move to? A The one on the east side of the river.
- Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

- Q How about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
- Q Did you make a crop there in the spring of 1866? A Yes sir.
- Q Where were you in the spring of 1867? A There on this same place.
- Q Did you make a crop there in the spring of 1867? A Yes sir.
- Q When did Bob Daniels come back? A In the fall of '66.
- Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
- Q About what month? A I don't know what month.
- Q What was Bob Daniels' wife's name? A Ann Daniels.
- Q Did he have any children? A Yes sir.
- Q What were their names? A Ose, Dick, Tommy, Isaac.
- Q Mrs. Strout one of them? A Yes sir.
- Q She was up there when you moved out? A Yes sir, and Susie was one of them.
- Q They moved in there in the fall of 1866 when you moved out?
- A Yes sir.
- Q About what month was that? A It was in the fall.
- Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
- 
- Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
- Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
- Q What time was it Jeff come there? A In the winter.
- Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
- Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and these others?
- A They were all living there.
- Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
- Q Well now you moved out of the Bob Daniels house in the fall of 1866? A As near as I remember.
- Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
- Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
- Q How were had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place? A Yes sir, a little bit of a house.
- Q A log house or cabin? A Yes sir.
- Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
- Q When you saw Jeff and his wife and Mose Hardrick and Mose's wife, is that the way of it, along about Christmas time? A They all lived there before that.
- Q Haven't you swore that you never saw them until the winter? A Saw them the winter of '66.
- Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
- Q How don't the fall come before winter? A Yes sir.
- Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that. Them people were all living there before we moved out.
- Q You moved out of the house in the fall of 1866? A Yes sir.
- Q You are a half brother of Mike, are you? A Yes sir.
- Q Are you any kin to Hela? A Yes sir.

- Q Have you and Nels been discussing the case? A No sir.
- Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
- Q Were you not? A I don't know.
- Q Do you deny talking about it? A No sir, might have been talking about something else.
- Q This same man Nels is a witness here? A Yes sir.
- Q You have talked about it? A Yes sir.
- Q You and Andy Frye have talked about it? A Yes sir.
- Q Are you married? A Yes sir.
- Q Certain of that? A Yes sir.
- Q I am glad you are certain of something. What year were you married? A Married in '91.
- Q Was that the first time you were ever married? A Yes sir.
- Q Then you lived single up until that time? A Yes sir.
- Q Just went from place to place up there? A No sir.
- Q Do you know when the Wallace roll was made? A Yes sir.
- Q What year? A Made in 1889.
- Q Who told you? A I was there.
- Q Did Gale Starr tell you today? A No sir, I was there.
- Q Has he ever told you? A Has he?
- Q Yes, in the last few days? A No sir, he didn't tell me.
- Q Has it ever been discussed? A No sir, I don't know nothing about it.
- Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
- Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
- Q You never heard the wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
- Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
- Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
- Q Then where did you go? A Right where we have been living ever since.
- Q How far is that from them? A About three miles.
- Q What direction? A Why it's northeast.
- Q What time did you move up there, what time of the year? A We moved up there in the spring.
- Q I thought you said you ~~xxx~~ stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
- Q It is a long time ago aint it Tom? A Yes sir.
- Q You were a small boy at that time? A Yes sir.
- Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
- Q So you might be mistaken about it? A Yes sir.
- BY MR. STARR:
- Q When did you say you were born? A '51.
- Q You were about 15 years old at that time? A Yes sir.
- Q Now was it in the fall of 1866 or fall of 1867 ~~xxx~~ that you moved off the Daniel place? A It was in the fall---
- Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
- Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
- Q Where were you living when Harvey Frye died? A Living where I live now.

- Q Well now at this time that Harvey Frye died were you going to school at this Dr. Thompson place? A Yes sir.
- Q Was Andy Frye and his family living in the Dr. Thompson house then? A Yes sir.
- Q How about the school when Harvey died, did they teach school that day? A No sir.
- Q Turned out school on that occasion? A Yes sir.
- Q Did the pupils going to school attend the funeral? A Yes sir.
- Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On Behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to school.

BY MR. HASTINGS:

- Q That was after you moved off of the Bob Daniels place? A Yes sir.
- Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
- Q About how long after that? A It was along in February, that spring, the spring of '67.
- Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
- Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:

- Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

WITNESS EXCUSED.

SIMON LYNCH, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A Simon Lynch.
- Q How old are you? A 76.
- Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:

- Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
- Q Convicted? A Yessir.
- Q Served your time? A No sir, I didn't.
- Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprimed.
- Q Didn't you work it out for individuals and you worked for Johnson Thompson at Tahlequah? A I was reprimed by the Chief.
- Q Did you ever swear that before on the stand? A No sir, but I was.
- Q What year was that? A I don't know what year it was.
- Q Was it since the war? A Yes sir.
- Q How long after the war? A I don't know.
- Q Don't have any idea? A No sir.
- Q Was it after the Cherokee Jail was built or before? A Afterwards.
- Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
- Q How long were you sentenced down there? A Year
- Q What Judge tried you? A I forget what one it was.
- Q What Chief reprimed you? A Ochalata.

BY MR. PATTEN:

- Q You testified I believe didn't you in the Mayfield that you were pardoned by Ochelata? A Yes sir.
- Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
- Q Were you acquainted with Butler McMair? A Yes sir.
- Q Jeff Lyons? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know when was the first time you saw Mose Hardrick after the close of the war, about the time? A I don't know exactly the time.
- Q When was it and where was it? A Upon Grand River.
- Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
- Q Where was he living? A Living over there at Dr. Thompson place right close there in a house.
- Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
- Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
- Q That was about when did you say? A Just awhile before Christmas.
- Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that on different sides of the River? A Yes sir.
- Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
- Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
- Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
- Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
- Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:

- Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
- Q You don't know what year you were reprieved? A No sir, I don't I can't keep no record of that, never did, couldn't.
- Q Couldn't do that? A No sir.
- Q You don't know one year from another, do you? A Yes sir, I do.
- Q Can you read and write? A No sir.
- Q You were a slave yourself? A Yes sir, I was.
- Q Do you know this Tom Moore that was on the stand awhile ago? A Yes sir.
- Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place thereon the river with his mother and father.
- Q Did he move out of there in the fall of 1866? A Who?
- Q Tom Moore? A I don't just know when he did move out of there.
- Q You don't remember about that? A No sir, I lived at another place.
- Q How far did you live from there? A About four miles.
- Q Were you married then? A Yes sir.
- Q Have you had any children born since? A Yes sir.
- Q Since then? A Yes sir.
- Q When was the first one born? A I don't know that.
- Q How many have you had born since the war? A Three I believe.
- Q When was the second one born? A I don't know, I can't tell you.
- Q When was the third one born? A I don't know that either, never kept no record of no time.



- Q Did you ever have any renters on your place? A Yes sir.
- Q What renter was on there in 1883? A I don't know.
- Q What renter was on there in 1876? A Nare one, myself.
- Q Was any there in 1896? A Yes sir.
- Q Do you know when Bob Daniels come back up there? A Yes sir.
- Q When? A I don't know when it was, I know he come back up there.
- Q On the Rob Daniels place? A Yes sir.
- Q Why don't you know when it was, you were in that neighborhood?
- A I can't keep no record of anything of that kind. How is I know how old I am is about my owners putting it down.
- Q That is about the only date you know? A No sir.
- Q You know what year Johnson Thompson come back up there? A I know when he first come.
- Q What year did he move up there? A I don't know, I seen him when he first come.
- Q What year did he move his family up there? A I don't know.
- Q You were just acquainted with him before the war? A Yes sir, knowed him good.
- Q He moved right across the river from Dr. Thompson's place? A Yes sir.
- Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
- Q Could you tell within two or three years of when he come? A No sir, I don't believe I could.
- Q You couldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.
- Q What year was it that Tom Moore moved off the Bob Daniels place?
- A I don't know.
- Q Haven't any idea about that? A No sir.
- Q Well was Butler McNair living there at the same time you first saw these people? A We come in about the same time.
- Q Before Christmas, 1866? A Yes sir.
- Q What was Butler's wife's name? A We didn't bring her there with him, he left her in Kansas and come down here and made a crop.
- Q What was her name? A I forget her name.
- Q Did Jeff bring his wife? A No sir.
- Q Left her in Kansas did he? A Yes sir.
- Q Left Mike in Kansas too? A I don't recollect about Mike.
- Q You don't never remember seeing Mike? A Yes sir, I do.
- Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
- Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
- Q Well how long after Jeff and Mose come before they brought their families? A After they made a crop, the next fall.
- Q When did Tom Moore bring his family? A Fetched them together.
- Q In the fall? A Yes sir.
- Q So none of them didn't bring their families until the next fall?
- A Uncle Butler didn't, the balance did.
- Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn't bring their families.
- Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
- Q What was her name? A Mahala.
- Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
- Q Did you ever see him after that? A Yes sir.
- Q How long after that? A I don't recollect.

- Q A y ar? A It might have been a year and it might not.  
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.  
Q Did he have his wife with him? A Yes sir.  
Q Did Mose live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.  
Q He never lived in a main house there? A I don't know nothing about that.

W I T N E S S E X C U S E D .

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Tobe Bean.  
Q What is your age? A About 70.  
Q What is your post office? A Vetchum.  
Q What is your citizenship, are you a citizen of the Cherokee Nation  
A Yes sir.  
Q Where were you in the fall of 1866? A Down here on Grand River.  
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.  
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.  
Q Acquainted with Mose Hardrick? A Yes sir.  
Q Did you know Mike Moore? A Yes sir.  
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil War? A About in '67.  
Q What time? A In February.  
Q Where was he at that time? A Over there at that Thompson place in the brick house.  
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.  
Q Did you see Mose Hardrick over there? A Yes sir.  
Q When was that? A The same time I saw Jeff.  
Q What time was that? A In February.  
Q What part of February? A Along about the first of the year.  
Q The first of February of 1867? Yes sir.

BY MR. HASTINGS:

- Q Tobe you were a slave before the war? A Yes sir.  
Q Your name is Tobias Bean? A Yes sir.  
Q You never went to school any? A No sir.  
Q You didn't at the close of the war know one year from another? Only people would tell me.  
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.  
Q Never kept any record? A No sir.  
Q And you haven't kept any record of this transaction? A No sir.  
Q You are just testifying independently of any record? A Just what I know.  
Q Did you know young Tom Moore who has testified in here today?  
A Yes sir.  
Q Where was he living when you first saw Jeff Lyons and his wife?  
A Over there on the other side of the river.  
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.  
Q On the Dr. Thompson place? A Yes sir.  
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.

- Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
- Q At what place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
- Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
- Q What was his step-father's name? A Lewis Rowe.
- Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
- Q When was that? A Must have been in '67.
- Q What time of the year? A Along in the spring I guess.
- Q Had he moved out of this place before you saw Jeff Lyons and Mose Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
- Q Just happened over there by accident? A I had some business there.
- Q You saw Jeff's wife? A I don't think I did.
- Q Never saw Moses's wife there? A No sir.
- Q It has been a long time ago hasn't it Tobe? A Yes sir.
- Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
- Q Have you had any children born since the war? A Yes sir.
- Q What year was the first one born? A In '66.
- Q What time in 1866? A In April.
- Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80 I think.
- Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
- Q When was the next one born? What year? A '78 I think.
- Q Which comes first, '78 or '80? A '78.
- Q Well I thought you said just now the one born in '80 was first?
- A That one was born,--the girl was born in '80, the boy was born about '78.
- Q Now how far is the Johnson Thompson place from this Dr. Thompson place? A A couple of miles the way you go around.
- Q Just across the River aint it? A Yes sir.
- Q When did Johnson Thompson come back? A I don't know.
- Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn't live right close to where he lived.
- Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
- Q You didn't see Mose's wife when you went up there? A No sir, not the first time.
- Q How long was it that you did see his wife? A It was a way along in the spring.
- Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
- Q Now you just remember of your own independent recollect of seeing this fellow when you passed there? A I stopped and talked with him.
- Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
- Q Who else that didn't live there? A Uncle Lewis Rowe.
- Q Up at the Dr. Thompson place? A Yes sir.
- Q Live there? A No sir, I just went there and stopped and saw him there.
- Q In 1867? A Yes sir.

- Q Where were you going? A Up to Andy's.
- Q I thought you said you were passing there? A I did pass there.
- Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
- Q Don't you know Mose and his wife was living in the house then?
- A No sir, I never went in the house.
- Q Did you see Tom Moore and his wife there, old Tom and his wife?
- A I don't recollect seeing them.
- Q Didn't recollect seeing Butler and his wife? A No sir.
- Q You don't recollect that? A No sir.
- Q You testified before the Commission at Chelsea on June 12, 1901; in the matter of the application of Ben Adams didn't you? A Yes sir.
- Q You testified that his father's name was Warren Adams? A Yes sir.
- Q You testified that his mother's name was Ibbie? A Yes sir.
- Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
- Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
- Q What time did you say you saw them? A In the early spring.
- Q What month? A In March.
- Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer "Yes sir." "Where did they go up on Grand River," "How do you know they returned in 1866," Answer, "I saw them," I will ask you if you didn't testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
- Q You can say yes or no? A It was '67 I testified to.
- Q You swear you didn't say it then? A Well I swear it---
- Q And you don't know when Bob Daniels come back? A No sir.
- Q And you don't know when Johnson Thompson come back? A I was living down the river.
- Q They located within a mile of this Dr. Thompson place? A Yes sir.
- Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't ~~re~~ recollect of these things like you folks.
- Q Who asked you first to testify in this case? A don't know who. I have been testifying ever since Bob Daniels court.
- Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
- Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
- Q Bob Daniels was an educated man? A Yes sir.
- Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

WITNESS EXCUSED.

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McNair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Nelson Moore.
- Q What is your age? A Will be 53 my birth day.
- Q What is your post office? A Ketchum.

- Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
- Q Were you acquainted with his wife? A Yes sir.
- Q What was her name? A Mahala.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Are you acquainted with the applicants, Altha and Oscar Moore? A Yes sir.
- Q Who is their father? A Mike Moore.
- Q Are you acquainted with Butler McNair? A Yes sir.
- Q Acquainted with his wife? A Yes sir.
- Q Acquainted with Tom Moore? A Yes sir.
- Q His wife? A Yes sir.
- Q Did you see Jeff Lyons after the close of the Civil war in the Cherokee Nation? A Yes sir.
- Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
- Q The latter part of December, 1866? A Yes sir.
- Q Or January? A January first.
- Q The following January after December, 1866? A Yes sir.
- Q Where was he then? A On the Dr. Thompson place.
- Q Who did he have with him? A His wife, Mahala, and Mike Moore.
- Q And who else? A A girl named Anika, his stepdaughter.
- Q How long did he stay over there? A- Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
- Q How long did he stay on that Dr. Thompson place? A He made a crop there.
- Q What year did he make a crop on the Dr. Thompson place? A '67.
- Q Did you see Butler McNair at any time down there? A Yes sir.
- Q When was that? A That was in the same year.
- Q What time did he come? A He come along about the winter time too.
- Q Who come with him? A Uncle Tom.
- Q Tom who? A Moore.
- Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
- Q Did he come the same time Jeff Lyons came? A Yes sir.
- Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
- Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
- Q Where did Tom Moore move to after he left Dr. Thompson's place? A Right out about a half mile south of there and made a new place there.
- Q Make a place of his own? A Yes sir.
- Q How long did he live there? A Why he lived there up until he died in '85.
- Q You say a girl named Anika was stayin with Jeff Lyons? A Yes sir
- Q Did you see a woman named Peggie Durant with that crowd? A No sir.
- BY MR. HASTINGS:
- Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 5, 1902, are you? A Yes sir, I guess I am the same fellow.
- Q You gave your age 4 years ago as being 48 and your post office Ketchum? A Yes sir.
- Q And your District Delaware District? A Yes sir.
- Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
- Q Are you related to Mike Moore? A He is a half brother of mine.

- Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
- Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
- Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Arthur Bean.
- Q How old are you? A 63.
- Q What is your post office address? A Chaffee, Indian Territory.
- Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
- Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
- Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas awhile.
- Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
- Q You mean the winter? A Of '67.
- Q You ~~mean~~ it was following the Christmas of '66? A Yes sir.
- Q Where did you see him? A Down to,--I seen Mose down in that country.
- Q Mose who? A Mose Hardrick.
- Q Where did you see him? A Down to Uncle Fred Martin's.
- Q Where is that? A Down to Greenbriar.
- Q Where was Mose living at that time, do you know? A He said up in the Arsenie settlement.
- Q Where was it? A About 8 miles above where we were.
- Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. A I didn't see Jeff the time I seen Mose, saw Jeff later on.
- Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
- Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
- Q Of what year? A '67 I guess.
- Q Do you know where Tom Moore and Butler Mcvair were at that time? A No sir.
- Q When was the first time you saw them? A I never seen them until way after that.
- Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:

- Q You never saw neither Mose nor Jeff until February, 1867? A Yes sir.
- Q That is your first time? A Yes sir, as well as I recollect.
- Q You are now testifying from your independent recollection, you havent got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

- Q That has been a long time ago? A Yes sir, so it has.
- Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
- Q Can you read and write? A No sir.
- Q You were a slave before the war? A Yes sir.
- Q Where was this young Tom Moore living when you first saw Mose and Jeff? A I don't know sir, he must have been living with his Uncle Tom.
- Q Were you acquainted with Mose before the war? A Yes sir, lived about two miles of him.
- Q Before the war? A Yes sir.
- Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
- Q And Joe? A Yes sir.
- Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Mose asked me to come down on his case.
- Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
- Q Where were you when he asked you? A I don't know where we met very frequently at Vinita.
- Q What month was it he asked you to testify? A I don't remember what month that was.
- Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
- Q You don't remember what month it was? A No sir.
- Q If you can't remember a month that happened a year ago, how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
- Q You were about 23 years old then? A Yes sir, I guess so.
- Q Are you married? A Yes sir.
- Q When were you married? A I guess in about '68, I guess or '67 :
- Q You don't remember the year? A No sir.
- Q You couldn't tell that? A I couldn't tell, I have got it in my book.
- Q But you cannot tell that independently? A I was married in '68 if I mistake not.
- Q Was it 1867 or '68? A I think it was '68.
- Q Are you positive about it? A I am pretty near positive but I wont besure. If I was at home I would tell you, I would go by my book.
- Q You are not willing to trust your memory as well as you are the book? A No sir.
- Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
- Q I am asking you now when your first child was born? A I couldn't tell about that.
- Q How many children did you have? A I got two children living and 6 or 7 or 8 dead.
- Q When did your first child die? A That has slipped my remembrance
- Q It has been a good long while? A Yes sir.
- Q You couldn't trust your recollection to that could you? A No sir.
- Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
- Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
- Q When did Bob Daniels come back up in that country? A About '67.

- Q What time in 1867? A I don't know just what time.  
Q In January? A It might have been January, but it was in that year sometime I think.  
Q Well do you think it was in January or December? A I don't know I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.  
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.  
Q What time did Johnson come back up there? A I don't remember just what time he come.  
Q You don't remember the year? A No sir.  
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.  
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.  
Q How long afterwards before you saw old Tom Moore? A Not very long.  
Q Five years? A I guess it might have been a shorter time than that.  
Q Your best judgment, what was it? A I don't know anything about when I seen Tom.  
Q Well now your brother Joe married? A Yes sir.  
Q What year did he marry in? A I couldn't tell you that, he has been married twice.  
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S    E X C U S E D :

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Andy Frye.  
Q What is your age? A Either 73 or 74.  
Q What is your post office? A Ketchum, Indian Territory.  
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.  
Q On what place were you living? A I was living on the Thompson place.  
Q Known as the Dr. Thompson place? A Yes sir.  
Q What time did you move on to that place? A I moved there in October.  
Q What year? A '66.  
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.  
Q Were you acquainted with him when the war came up? A Yes sir.  
Q When did you see him after the close of the Civil war? A See him in '66,--along in '67.  
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson's place along in February, '67.  
Q What time in February? A Along about the first of February.  
Q How long did he live on the Dr. Thompson place? A He made one crop there.  
Q Where did he go to from there? A Just south of there, I don't know how far.  
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.



- Q Who moved on to the Dr. Thompson place after you moved away?  
A Mr. Parks.
- Q Were you acquainted with Butler McVair? A Yes sir.
- Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.
- Q What time in 1867, what month? A Along in February.
- Q Did he have his wife with him? A No sir.
- Q What was his wife's name? A Betsy.
- Q Where was she then? A In Kansas.
- Q When did she come? A She come along in July or September, somewhere along there.
- Q Did Butler come back after her? A Yes sir.
- Q No w when Tom Moore came, when was that? A Him and Butler came together.
- Q Did Tom Moore bring his wife? A No sir.
- Q When did she come? A The same time Butler went back and brought her. They went and come together.
- Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
- 
- Q Built a home of his own? A Yes sir.
- Q He and his wife live down there? A Yes sir.
- Q Did you see a woman named Pergie Lynch or Durant down in there at that time? A No sir.
- Q She didn't come with that crowd at that time? A No sir.
- BY MR. HASTINGS:
- Q Jeff Lyons didn't come with them did he? A He come before they did.
- Q What is Jeff's wife's name? A Mahala.
- Q Did he have his wife with him? A Yes sir.
- Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.
- On behalf of the Commissioner: The objection will be noted.
- Q What time did Jeff Lyons bring his wife down her? A It was along in December, sometime before Christmas.
- Q Then Jeff and Mose didn't come together? A No sir.
- Q Mose come after that? A Yes sir, he come after Jeff come.
- Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.
- Q The first time? A Yes sir.
- Q That was in the spring of 1867? A Yes sir. I don't know, it might have been along about the first of February, it was after Christmas.
- Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
- Q You are not positive as to that? A I cannot keep the dates.
- Q If Nels Moore testified he come about the time grass come up in the spring of 1867, you think he is about right? A I don't know.
- Q You don't want to contradict that? A I wont contradict nothing.
- Q This Mahala was a slave of Bob Daniels? A Yes sir.
- Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.
- Q How far was it from you where he located? A Only about a mile and a half.
- Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I aint certain.

- Q Rob Daniels is the same man that sat on that Court in 1871? A Yes sir.
- Q And he owned this Mahala Lyons? A Yes sir.
- Q And you say they come before any of these others that you have mentioned? A Yes sir.
- Q You are positive about that? A Yes sir, I am positive, I know they did.
- Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
- Q Did Jeff work for Kell over there a while? A Yes sir.
- Q About how long? A About three weeks.
- Q That runed him over to the spring? A Runed him over until along in January.
- Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
- Q Well did he come over there? A Yes sir.
- Q Did you permit him to make a crop over there? A Yes sir.
- Q When did he move over to your house? A He moved over about the first of February.
- Q Then he never lived at your house before the first of February, 1867? A No sir.
- Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
- Q Never come there did he? A He come in January to see me.
- Q Never come there to live? A No sir, not until the first of February.
- Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
- Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
- Q How long after that before Butler McNair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
- Q Well if Judge Clark and Nels Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings:

On Behalf of the Commissioner: The objection will be noted.

- A No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
- Q You wont dispute that? A No sir, we had green grass all winter.
- Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
- Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
- Q You are just guessing at it? A Yes sir.
- Q Using your own independent recollection? A Yes sir, I think it was about that time.
- Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
- Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

- Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr. Daniels.  
What time do you think Johnson Thompson come back? A I couldn't say. I know he was there first.
- Q Do you know whether he come in 1867 or '68, or '69? A He must have come in the fall of '66.
- Q Did you testify before the Commission at Vinita on May 15, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
- Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
- Q You don't know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
- Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
- Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
- Q You testified did you in that case? A Yes sir.
- Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
- Q You are the same party who testified in that case? A Yes sir, I testified for Sam.

BY MR. STARR:

- Q Bony Dan did come back in 1866? A Yes sir.
- Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
- Q One named Harvey? A Yes sir.
- Q When did he die? A March 11, I believe.
- Q What year? A That was in '67.
- Q Who dug Harvey's grave? A Jeff Lyons.
- Q Now where did Jeff Lyons live before he went on this Kell place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
- Q Had been camping there prior to when he went on Kell's place?  
A Yes sir.
- Q What was your next child's name that died? A Lula.
- Q When did she die? A In '67.
- Q What date? A Along in September, I don't know exactly the date.
- Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
- Q You are not certain about that? A No sir.
- Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:

- Q You don't know what year he died? A I don't know.
- Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:

- Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
- Q Expalin that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this court and I told him he would have to pay me the money, or put up something as good as the money.
- Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
- Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

- Q How long did you attend before the Commission at that time? A There about two weeks before we get into it.
- Q What was the mule worth? A I give Dan Tucker \$12.50 for his part.
- Q What part did he have? A I had \$12.50.
- Q The mule was worth \$25.00? A Yes sir.
- Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
- Q What did they give you? A They allowed me \$12.50.
- Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
- Q How that three days attendance, your milage and time for the Cherokee nation amounted to \$12.50, did it? A Yessir.
- Q And about two weeks attendance in this other case, your milage and time only amounted to about \$12.50? A That is all I got out of the mule.

BY MR. HASTINGS:

- Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than \$2.00 per day, and your milage? A Mr. Bell told me to make it 4 days, and I didn't claim anything.
- Q Who paid you? A Roland brought the check to me and we went down to the bank and got the money.
- Q Did you sign a pay roll? A No sir.
- Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
- Q Did Gale Starr give you that check? A No sir.
- Q Was it while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
- Q Didn't you never know he was? A No sir.
- Q Never heard of it? A No sir, never heard of him being an official for the Cherokee nation. I know he was called an Attorney at Law but I never knew he was an official.
- Q You never heard of that? A No sir.
- Q Well whose name was signed to that check? A I don't know sir, I never looked on the check to see whose name. Me and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
- Q Do you know when it was? A I don't know, you know when that case of Bettie Cash was up.
- Q Did the Cherokee nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
- Q Was the amount you get what you were entitled to for your time and milage, how far do you live from Vinita? A I considered that paid me for the time and milage.
- Q How far do you live from Vinita? A 14 miles.
- Q And it is 66 miles from Vinita to Muskegee, in the neighborhood of 80 miles, and you say you got a check for \$12.50? A Yes sir.
- Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn't claim nothing.
- Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
- Q Did you sign a pay roll? A I never signed nothing.
- Q Do you swear that? A I never signed nothing.
- Q You sign your name don't you? A No sir.
- Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
- Q I am talking about the pay roll? A What pay roll?
- Q The pay roll so that the check might issue on it? A I don't understand it yet.
- Q You can't sign your name? A No sir.

- Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
- Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
- Q And according to that you were out three days and 80 miles and you didn't get but \$12.50? A That was all.
- Q Did you make these other fellows you have testified for pay you? A Which?
- Q You have testified in a good many cases? A Yes sir, they paid me.
- Q All of them? A Some of them did and some didn't.
- Q How much did you get in the Sam Landrum case? A I have forgotten.
- Q What other case? A There was several cases, I don't recollect who I did witness for.
- Q You don't remember any other cases? A No sir.
- Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than \$25.00 at the time you took it? A I said I couldn't get more than that because he was balky.
- Q What did you think he was worth when you were getting it? A About \$30.00.
- Q And you sold it \$5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
- Q Then you made a business of charging all these fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
- Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
- Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
- Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
- Q Post office Ketchum? A No sir.
- Q Never testified in that case? A No sir.
- Q Well he never paid you nothing? A No sir.
- Q Did you testify in the Aaron Martin case? A Yes sir.
- Q Is that the one you got the mule in? A Yes sir.
- Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, that was separate.
- Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
- Q Did you testify in the Elias Downing case? A No sir.
- Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
- Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
- Q Did you testify in the Peyton Martin case? A Yes sir.
- Q Did he pay you? A Yes sir, three or four dollars.
- Q Do you know, do you remember how much he paid you? A About three dollars.
- Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
- Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

- Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me \$10.00 for witnessin, for his family.
- Q Where were you going to witness at? A In the Kern-Clifton Court.
- Q Witness for him then for \$10? A Yes sir.
- Q And you didn't get it? A No sir.
- Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't ~~may~~ stay there all the time, I went back and forwards.
- Q What was the longest you ever stayed up there? A Not over two days at a time.
- Q How long were you there when you testified for Aaron? A About two days, then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
- Q Did you get any other mules in any other cases besides that one? A No sir, mules were two high, I couldn't go and get a mule every time.
- Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
- Q What did you get from George W. Lynch for witnessing for him, ~~whose post office is vinita and whose age was then 48?~~ A I don't think I witnessed for George W. Lynch.
- Q You don't think you ever witnessed for him? A No sir.
- Q Did you witness for Harriet Tucker? A She was in the Aaron Martin family.
- Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
- Q It was your habit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
- Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
- Q If you were hanging around you charged them if you testified? A No sir, if they wanted me to testify for them I went in and testified.
- Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
- Q How much did they say they would pay you? A I don't know, they haven't said.
- Q Did they pay your fare? A Yes sir.
- Q Who? A This man.
- Q Who are these men? A Starr & Patten.

BY MR. PATTEN:

- Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:

- Q State your name? A Thomas H. Moore.
- Q Did you testify in this case awhile ago? A Yes sir.
- Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
- Q What is it? A I want to withdraw one I made, a statement in '66, I want to make it '67.
- Q What was that about? A Bob Daniels moving in in '66, in '67 is when hameoved in.

BY MR. HASTINGS:

- Q Who did you talk to about this since you left the stand? I got to studying it over myself.
- Q You talked to Mr. Patten about it? A Just now, yes sir.
- Q Before you come back on the stand? A No sir.
- Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.
- Q How could he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.
- Q Were you not right out there when Andy Frye was on the stand, and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this ~~school~~ school house.
- Q All these witnesses are out here in the hall? A Yes sir.
- Q You have all been talking about it out here in the hall? A Yes sir.
- Q You have talked to Starr or Patten out here in the hall about this case? A No sir.
- Q You testified that you saw Hose Hardrick here in the winter of 1866, in February? A '67 I mean.
- Q You swear awhile ago 1866 and Mr. Patten asked you over and over? A I know I did, that is what I am trying to get str right. We lived up where I live now and we come down to this school all this time.
- Q Mr. Patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.
- Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.
- Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.
- Q And it was in the fall of 1867 Bob Daniels moved in and you out? A Yes sir.
- Q You are certain that that was November I believe you said? A Did I say November.
- Q You said fall, October or November? A It was in that fall anyhow.
- Q Of 1867? A Yes sir.
- Q That is when Bob Daniels moved his family up there? A Yes sir.

WITNESSES EXCUSED.

APPLICANTS REST.

The following testimony was taken on behalf of the Cherokee nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, freedman doubtful 292, be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the application of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D. 8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A. STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Eliza A/ Strout.
- Q How old are you? A 50.
- Q What is your post office? A Vinita.
- Q What was your maiden name? A Daniels.
- Q Were you a daughter of Bob Daniels? A Yes sir.
- Q Is he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
- Q You are a Cherokee by blood? A Yes sir.
- Q Through who do you get your Cherokee blood? A Father and mother both.
- Q Did your parents own some slaves before the war? A Yes sir.
- Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
- Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
- Q Who did she belong to? A My parents.
- Q Did she have any children before the war? A Yes sir.
- Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
- Q He was born before the war? A Yes sir.
- Q Hr was a slave of your parents? A Yes sir.
- Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
- Q Now did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
- Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and westayed there all winter and then come back up home on Grand River in March, 1867.
- Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
- Q Was it on the same side of the river? A Yes sir, on the east side
- Q And about a mile from the Dr. Thompson place? A Yes sir.
- Q Did you know Johnson Thompson? A Yes sir.
- Q He was a Cherokee? A Yes sir, he married my sister.
- Q Do you know where the Johnson Thompson place was? A Yes sir.
- Q Where was this Dr. Thompson place with reference to your father's place and the Johnson Thompson place? A It was right between the two.
- Q Then you had to go by the Dr. Thompson place in order to go to your aunt's who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
- Q Did you visit backwards and forwards frequently? A Yes sir.



- Q Now was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
- Q Was she in that neighborhood at that time? A No sir.
- Q She was your old slave? A No sir, she was not there.
- Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it? A No sir, I don't think she could.
- Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
- Q He was a member of the Supreme Court in 1871? A Yes sir.
- Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
- Q He lived there until he died? A Yes sir.
- Q You know how long afterwards before you first heard of Mahala coming back there? A No sir, I don't know exactly how long but I don't think it was right soon. I am pretty certain it was not.
- Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
- Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
- Q That was your impression from knowledge you gained at that time? A Yes sir.

BY MR. PATTEN:

- Q I believe you say you are about 50 years old? A Yes sir.
- Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
- Q When was that? A I just now said it was in 1867.
- Q What time of the year? A In March when we come down on the river.
- Q You say Mahala was the slave of your father? A Yes sir.
- Q You say she had one child before the war? A She had more than one.
- Q Can you give the name of one? A She might have had more than I know of.
- Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
- Q How old were you at that time? A At what time.
- Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
- Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
- Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
- Q And you were about 6 years old at that time? A I guess so.
- Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
- Q And you were only about 10 years old at the close of the war? A I can remember when I was 6 years old.
- Q Whose slave did you say Mahala was? A I guess she belonged to my father and mother both.
- Q Did she belong to them at the commencement of the war? A Yes sir.
- Q And they were Cherokee citizens? A Yes sir.
- Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.

- Q Do you know where Judge Clark was living when you came back?  
A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
- Q Do you remember where L. B. Bell was living when you come back?  
A No sir, I know where he lived afterwards.
- Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
- Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson's wife was my mother's sister, and so was Dr. Thompson's wife.
- Q Did you go by the house? A Yes sir.
- Q Was it on the road? A Yes sir, of course it was on the road.
- Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
- Q Can you name them? A I knowed Andy Frye and Al Lynch.
- Q Who else? A I don't remember anybody else.
- Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don't think he was married then.
- 
- Q You are certain that was the spring of 1867? A Yes sir.
- Q Who else besides Andy Frye and Al Lynch? A I don't remember. There was an old colored man named Toke Schrimster.
- Q Were there any one else besides those three? A I don't remember anybody else.
- Q Do you remember whether Butler McFair was there? A I don't know anybody by that name.
- Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
- Q Old man Tom Moore? A Yes sir.
- Q How do you know he wasn't living there? A Because I didn't see him.
- Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don't see how he could be there without my seeing him when I passed there.
- Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?  
A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
- Q You were about 10 years old? A I said I was about 12.
- Q There were some colored people living at that house and you didn't know who they were? A I know Tom Moore wasn't there.
- Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
- Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know their names.
- Q How do you know you saw them all? A I know I must have.
- Q You are just guessing at that, taking it as a conclusion? Now are you stating from what you actually know or what you take as a matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish question as that.

On behalf of the Commissioner: Just answer as near as possible the question as asked.

- A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.
- Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we come back.
- Q I am not asking you that question? A I couldn't tell you just the date I saw her.

- Q You say you saw her when they all come back? A I saw them when they were living there.
- Q About when was that? A I don't know when it was.
- Q Was it 1868 or 1869? A It was 1867 or '68.
- Q What time in 1867? A I always thought it was 1868.
- Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
- Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
- Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
- Q Do you remember when they first moved on that Dr. Thompson place? A No sir.
- Q You don't know anything about when they come from Kansas? A I know they were not on that Dr. Thompson place.
- Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
- Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
- Q Who lived on that place or in the house preceding your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
- Q Did he move in there just before you folks moved in? A Yes sir.
- Q Did Nelson Moore ever live in that house, if you know? A No sir.
- Q You don't remember when he lived there? A No sir.
- Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
- Q ~~Was~~ was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
- Q Who did he get out? A Arch Landrum.
- Q You are certain it was Arch Landrum? A That is what my father said.
- Q Didn't say whether Arch was the only one? A Didn't say about that.
- Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
- Q You came shortly after he came down there? A Yes sir.
- Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
- Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
- Q How do you remember it was 1867? A How do you remember anything?
- Q I am asking you? A (No response).
- Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? You just undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
- Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don't know any more than anybody knows one year from another.
- Q Have you a pretty good faculty for remembering things that occurred in 1880 or '87? A Sometimes I do and sometimes I don't.
- Q Do you know when the Kern-Clifton roll was made? A No sir.
- Q You don't remember that do you? A No sir.
- Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
- Q ~~Does~~ ~~the~~ ~~dates~~ are pretty hard to remember, aren't they? A

- Q Some of those dates are pretty hard to remember, aren't they? A Indeed without they got to remember anything, they ought to remember it.
- Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place is that the reason you remember it? A No sir.
- Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I know when the war closed, and how long we stayed down south before we come home, and then we come to Tahlequah and stayed there until the spring of '67.
- Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
- Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
- Q Where were you in when the war closed? A In the Choctaw Nation.
- Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
- Q What year did you go there? A I think it must have been in 1862.
- Q And you stayed there three years? A Stayed there until 1865.
- Q What time in 1862 did you go? A I don't know.
- Q You don't remember that? A No sir.
- Q Do you remember the occasion of going? A Yes sir.
- Q You say you stayed there about three years? A We stayed there until 1865.
- Q What time in 1865? A I don't know, I think it was in the spring.
- Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
- Q How long did you stay at Tahlequah before you came down there? A I told you from that time until March.
- Q The following March? A Yes sir.
- Q Then you came to Tahlequah in 1865? A '65.
- Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we come to Tahlequah in 1866.
- Q Do you know what year you were born in? A 1855 so my mother said, I don't know whether I was or not.
- Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S    E X C U S E D.

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A James R. Dunlap.
- Q What is your age? A 65.
- Q What is your post office? A Carlile, Kansas.
- Q How far is Carlile from Iola? A Five miles.
- Q How long have you lived in the vicinity of Carlile and Iola? A I first came there in 1864, moved there in 1866.
- Q What time in 1866 did you move there? A Sometime in the spring, May or June.
- Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did they live there in that vicinity? A Yes sir.
- Q Did you at that time live in the town or in the country? A I lived in the country there.
- Q About how far did Butler McNair live from you? A About a mile.
- Q Live in a cabin over there? A Yes sir.
- Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
- Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsy Butler was with my wife.
- Q Was that Butler McNair's wife? A Yes sir.
- Q Was that after this confinement you speak of? A Yes sir.
- Q Was that the first child your wife had? A Yes sir.

- Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
- Q Have you a record of the birth of that child? A Yes sir.
- Q Did you bring that with you? A Yes sir.
- Q What does that record disclose? A You read it.
- Q Is this from your family record, your Bible? A Yes sir.
- Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
- Q That is the date of his birth? A Yes sir.
- Q And you are positive that Betsy the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
- Q Do you remember how long she stayed there after that? A No sir, I don't.
- Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
- Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 21, 1867.
- Q And you are positive that Butler McNair's wife Betsy was there? A Yes sir.
- Q You are not prepared to say how much longer they remained there? A No sir, I couldn't do that.
- Q Did you know a colored man ~~xxx~~ named Tom Moore, A Yes sir.
- Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
- Q They didn't live on your place? A No sir.

Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the same time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the commissioner: The motion and reply will be noted.

BY MR. PATTEN:

- Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
- Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn't have any acquaintance with the old lady until I went after her to stay with my wife.
- Q There is no question but what she waited on your wife at that time? A No question in my mind.
- Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
- Q Did you ever know him? A Yes sir.
- Q How far did they live from you? A About a mile.
- Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just come into the country there and we swapped work around and cut our wheat.

W I T N E S S      E X C U S E D .

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A J. A. Thompson.
- Q What is your post office? A Vinita.
- Q What is your age? A I will be 56 years old the first day of next August.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What was your father's name? A Johnson Thompson.
- Q Have you a brother named Tommy Thompson, T. F. Thompson? A Yes sir.
- Q Where did you go during the Civil war? A We went south, on Red River.
- Q Where did you return after the war? A Back there on our old place.
- Q Where ~~was~~ was that? A On Grand River, known now by the Ketchum place.
- Q By Ketchum post office? A Yes sir, near there.
- Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
- Q How far is that from the Dr. Thompson place? A About a mile.
- Q On the same side of the river? A No sir.
- Q How far from the Bob Daniels place? A That was a short mile. further south, on the south side of the river.
- Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
- Q And both on the opposite side of the river from your father's place? A Yes sir.
- Q Do you know Mrs. Strout, daughter of Bob Daniels? A Yes sir, first cousin of mine.
- Q Do you know when Bob Daniels come back up there? A Yes sir.
- Q When? A In 1867.
- Q What time of the year? A Early in the spring.
- Q What time did you people come back to this Johnson Thompson place? A I think it was in October, in 1866.
- Q Did you ever know Mose Hardrick a colored man before the war? A No sir.
- Q Did you know Jeff Lyons before the war? A No sir.
- Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
- Q Did Daniels live up there before the war? A Yes sir.
- Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
- Q Right at the ~~same~~ same places you described? A Yes sir.
- Q Then you knew Mahala well did you? A Yes sir.
- Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
- Q Was that when they came back to the country? A Yes sir.
- Q You say that was in the fall of 1867? A Yes sir.
- Q Are you positive they were not there during the winter of 1866? A I don't think they were, if they were I didn't see them.
- Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
- Q You remember when Mose Hardrick come? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
- Q Did you see him there before you saw Mahala and Jeff? A No sir.
- Q Did you know a child of Mahala named Mike? A Yes sir.

- Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he come or how he come.
- Q ~~But~~ Did you see him there before you saw his mother? A No sir.
- Q You saw him afterwards? A Yes sir.
- Q Did you know Butler McNair? A I wasn't acquainted with him.
- BY W. P. PATTEN:
- Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
- Q Where were they living at that time? A Camped in our yard there on our place.
- Q That was in the fall of 1867? A Yes sir.
- Q When was the first time you saw Mose? A It was sometime adter that I think, I would not be positive. I don't remember much about Mose because he went across the river.
- Q Was it about the same time? A Pretty much the same time.
- Q How long did they camp with you there when they went into camp? A Yes sir.
- Q Had they just moved in from some place? A Come in from Kansas I suppose.
- ~~Q Was this on the same side of the river as the Dr. Thompson place?~~
- A No sir.
- Q That was across the river from the Dr. Thompson place? A Yes sir.
- Q That was in the fall of the year? A Yes sir.
- Q And you think it was what year? A 1867.
- Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
- Q When do you ~~make~~ claim? A I don't claim.
- Q Were you in the country? A There were two fights on Horse Creek.
- Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was it before or afterwards?
- A Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
- Q You don't know whether it was before or after? A Well it must have been ~~then~~ then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
- Q The same fall? A I couldn't tell positively.
- Q What is your best judgment about it? A Well I hate to say.
- Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, along time. There were two fights there, one occurred before we come there.
- Q Did those two fights both occur the same year? A I couldn't tell you that.
- Q Where did they move to when they moved away? A Across the river.
- Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
- Q What place was that you say? A They settled a place in there near Uncle Robert or sorter between the two places.
- Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
- Q You started the fall of 1867? A Yes sir.
- Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any crop earlier than 1868.
- Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

- Q Do you know whether or not he ever lived on the Dr. Thompson place?  
A He might have rented some ground from Uncle Jeter.
- Q I mean live there? A I don't remember of him living there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Schrimsher; and there was another fellow or two there.
- Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,-- what time was it Jeff and Mahala were camped there? A That was along in 1867.
- Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy frye living? A I think on Uncle Jeter's place.
- Q That was about the time Tobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniels' horse and Schrimsher was running out boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
- Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
- Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
- Q What time of the year did they leave that plade and move? A I couldn't say, couldn't tell you.
- Q Where were you living when they moved? A I don't know whether we were there or had gone to school:
- Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
- Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
- Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't come up there until late in the fall of 1866.
- Q How do you remember it was 1866 you come up there instead of '65? A We were afraid to go up there.
- Q How long after the war closed before you were afraid to come up there? A We come as soon as we thought it was healthy.
- Q This occurred about 40 years ago? A Yes sir.
- Q You were how old? A About 16 years old.
- Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E Y O U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

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June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:



T. F. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A T. F. Thompson.
- Q How old are you? A Going on 59 years old.
- Q What is your post office? A Vinita.
- Q What was your father's name? A Johnson Thompson.
- Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
- Q Did you know Bob Daniels in his life time? A Yes sir.
- Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
- Q Were they Cherokees? A Yes sir.
- Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
- Q Where? A On Grand River.
- Q How far from Vinita? A East about 15 miles.
- Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
- Q On which side of the river did your folks live? A On the west side.
- Q On which side did Bob Daniels live?? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
- Q On the opposite side of the river from you? A Yes sir.
- Q How did you people go out during the war? A Yes sir.
- Q What time did you return? A we returned in the fall or winter of 1866.
- Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
- Q Did you know Mrs. Strout that was on the stand? A Yes sir.
- Q That was her father? A Yes sir, he lived there.
- Q Then each of your families returned back to these old places? A Yes sir.
- Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
- Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
- Q Did she have any children before the war? A I think she did, I would not be certain about that.
- Q Don't know of a child named Mike woore? A Yes sir.
- Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
- Q You say you knew Mahala who belonged to your ~~xxxx~~ aunt Mrs. Daniels before the war? A Yes sir.
- Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we did but I couldn't say whether it was the year we did or the year following.
- Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
- Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
- Q Did you make an affidavit in this case? A Yes sir.
- Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
- Q Who prepared it? A A young man named Blue I believe.
- Q With whom did you talk about it? Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
- Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

- Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.
- Q You didn't intend to say 1866? A No sir.

BY MR. PATTER:

- Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
- Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.
- Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.
- Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
- Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A No t that, remember of. I don,t think Mr. Starr had anything to do with the affidavit at all.
- Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
- Q The Wallace Court in 1889? A No sir, I think not.
- Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don,t remember of it.

W I T N E S S E X C U S E D .

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, W. D. 314, at a prior hearing will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two heads, consolidated cases of Moses Hardrick, et al., and George Irons et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield et al., W. D. 341, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County Kansas, was never authenticated for the year 1868 by the Assessor.

On behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906 in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of the proceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has herebefore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freed an Doubtful 498, being the case of Henry C. Hayden, et al., Freedman Doubtful 535, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freed an Doubtful 578, being the case of Katie Thornton, et al., Freedman Doubtful 201, being the case of Sarah Bean, Freed an Doubtful 766, being the case of Leah Winfield et al., Freed an Doubtful 777, being the case of Calvin Ross, et al., Freed an Doubtful 1007, being the case of Jesse Hicks, et al., Freed an Doubtful 1009, being the case of George Ross. All of said cases being freed on cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular evidence given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in lies is false, and the same was done by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient and move that the Nation be required to specify in each instance what testimony is false.

Mr. Starr: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The policy of the Commission to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes had decided against the Cherokee Nation, as has been affirmed by the Secretary of the Interior, that it is tends to show what weight is given to the testimony of the Five Civilized Tribes, and the Cherokee Nation, and the testimony of the said Frank Ross, and the Commission to the Five Civilized Tribes, and the Secretary of the Interior.

Mr. Starr: Applying to this argument the Attorneys for applicants contend that it is shown specifically wherein the testimony of the said Frank Ross in each of said cases it would not be so different for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Starr: In answer to that argument the Attorney for the Cherokee Nation offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of the record, and it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Starr: The objection will be sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful, 317, Charles Martin, et al., Freedman doubtful 397, Jane Looney, Freedman doubtful 631, Nancy Ross, et al., Freedman doubtful 662, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Watie or Tinnon. Freedman doubtful 946 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009, George Ross, Freedman doubtful 1020, Kissie Newman, et al., Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 820, John May, et al., Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann, et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 566, Aggie Little, et al. Freedman doubtful 617, Rosa Shobe, et al. Freedman doubtful 79, Mary Hemmitte. Freedman doubtful 734, John Towers. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin. Freedman doubtful 880 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 728, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Mose Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and Citizenship Courts, that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record; that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treaty of July 19, 1868. That we do not represent George Irons, Betty Mayes and Richard Nero, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Mahala Lyons would be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no diligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioners: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Mayes,	F D	87
Richard Here,	F D	1328
Ned Lyons,	F D	251
Rachel Landrum	F D	252
Elias Lyons,	F D	253
Altha Moore, et al.,	F D	357
George W. Lynch,	F D	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he come from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcrip of his stenographic notes thereof.

*Geo. H. Lessley*

Subscribed and sworn to before me this <sup>23rd</sup> day of July, 1906.

*B. P. Rammie*  
Notary Public.

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

In the matter of the application for the enrollment of  
Moses Hardrick, et al., as Cherokee freedmen, consolidating  
the applications of-----

Moses Hardrick	Cherokee Freedmen R-574
Silas Hardrick	Cherokee freedmen R-536
Sarah Bean	Cherokee freedmen R-543
Nelson Hardrick, et al.,	Cherokee freedmen R-557
William Hardrick, et al.,	Cherokee freedmen R-599
Elisa J. Hardrick, et al.	Cherokee freedmen R-631
Mary Hardrick, et al.	Cherokee freedmen R-579

George Irons, et al.,	Cherokee freedmen R- 36
Bettie May	Cherokee freedmen D- 87
Richard Nero (Irons) et al.,	Cherokee freedmen D1328
Ned Lyons	Cherokee freedmen D-251
Rachel Landrum	Cherokee freedmen D-252
Elias Lyons, et al.,	Cherokee freedmen D-253
Altha Moore, et al.,	Cherokee freedmen D-357
George W. Lynch, et al.,	Cherokee freedmen D-731.

DECISION.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That application for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Elisa J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lonien; by Jennanna Irons for her husband, George Irons, and his children Bertha and Bettie Irons and grand child, Elnora Nivans; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Pyons for himself; by Rachel Landrum for herself; by Elisa Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Elisa Lynch.

The record further shows that on April 20, 1904, and April 18, 1906, the Commission to the Five Civilized Tribes rendered its decisions herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906 (I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4667-1906) respectively; on motions of the applicants, the Department rescinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor possess any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Wayes and George W. Lynch by virtue of having complied with certain provisions of the Treaty of 1866; Silas Hardrick, Sarah Bean, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descendants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lonien as descendants of the applicant Mary Hardrick and one Mose Lonien, Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Klnora Nivens as the descendants of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant Eliza Lyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descendants of the applicant George W. Lynch.

A reexamination of the records in this now consolidated case made prior to the rendition of the decisions heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion



that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which a ray of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads 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 council, a census or enumeration of each tribe lawfully resident in said (Indian ) 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 divisions 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 four volumes, as follows, to-wit:

Goings Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Koo-wees-koo-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 13566, Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 5988, Whites 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four 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 and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship on the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

- "Q How does the fact that the grass was up connect with in your mind, with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
- Q To a census taker? A Yes sir to a census taker; that was in '67.
- Q What month was that? A That was about June or July as well as I remember.
- Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum can be identified on the roll of 1867. The testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McFair,

(5)

however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke), did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedmen citizenship can be identified on any Cherokee Roll in the custody of this office.

**FINDINGS OF FACT AND CONCLUSION:** It is considered that the evidence in this case shows that neither the applicants Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen of said Nation; and that all the applicants herein, except those last above named, were born since the close of the rebellion and obtain no rights to Cherokee Freedmen citizenship through their ancestors.

**IT IS, THEREFORE, ORDERED AND ADJUDGED:** That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1896 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick; Silas Hardrick; Sarah Bena; Nelson Hardrick; LeRoy Hardrick; William Hardrick; Mabel Hardrick; Leona Hardrick; Eliza J. Hardrick; Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lonien; Jackson Lonien; George Irons; Bertha Irons; Bettie Irons; Elnora Nivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Eliza Lyons; Nelson J. Lyons; Altha Moore, Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats., 716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

(Signed) Tans Sixby,  
Commissioner.

Dated at Muskogee Indian Territory,

This FEB 1 1907

4771

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

George Irons et al.,	Cherokee Freedmen R	36,
Bettie Wagon	" " "	D 67,
Richard Nero (or Irons) et al.	" " "	D 138,
et Lyons	" " "	" 257,
Rachel Landrum	" " "	" 282,
Elias Lyons, et al.	" " "	D 283,
Altha Moore et al.,	" " "	" 357,
George W. Lynch, et al.	" " "	D 751.

-1-

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanna Irons for, among others, her husband, George Irons, step-children, Bertha and Bettie Irons, and stepgrandchild, Elenora Nivens; by Bettie Wagon for herself; by Janet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for, among others, himself, by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of W. V. and W. M. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 398, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Weyer and Richard and Lollie Wero (or Irons), are all children of one Wero Irons, deceased; that the said applicants, George Irons and Bettie Weyer, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the court of claims rendered on February 3, 1896, in the case of Louis Whitacre, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Lollie Wero (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1903, opposite Nos. 2173 and 2138, respectively, and have selected and accepted their allotments of land in said Nation. The minor applicants, Bertha and Nettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the said

Innie Irons, deceased, was born since 1866, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitacre decree. The minor applicant, Lenora Wivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity to be heard has been afforded and it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Bert Lyons, nee Weyer, and his children, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson Lyons, is a child of the applicant, Elias Lyons, and the Martha Lyons, was born since 1860, and possesses no rights to enrollment other than as their descendants. In Cherokee freedman case No. R. 202, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, on or before 25, 1904 (Departmental letter I.C. 4226-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Mike Moore and his children are the children of one Mike Moore, deceased, were born since 1866 and possess no rights to enrollment other than as descendants of their said father, and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion and did not return thereto (he returned with his stepfather and mother, Charles Weyer and Mahala Lyons), within the time specified in said above mentioned Whitacre decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitwire decree. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1860, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 101, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitwire decree, and on November 23, 1904 (Departmental letter I.T.D. 690-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and W. L. Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Wardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Wardrick did not, after the close of the rebellion, return to the Cherokee nation within the time specified in said Whitwire decree, and on October 13, 1904 (Departmental letter I.T.D. 693-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered-- "I didn't see her at that time..... I heard they ( his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McVair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866 and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January, 1867, and did not return to said Nation until sometime during the year 1873.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bertha Irons, Bettie Irons, Elenera Nivens, Bettie Hayes, Richard Nere (or Irons), Mollie Nere (or Irons), Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons, Altha Moore, Oscar Moore, George V. Lynch, Rosetta Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: James Birby  
Chairman

SIGNED: T. B. Needles  
Commissioner

SIGNED: C. B. Brackinridge  
Commissioner

Dated at Muskogee, Indian Territory,  
this APR 14 1900

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

In the matter of the application of Ned Lyons and others,  
for enrollment as Cherokee Freedmen.

- 3 -

O R D E R.

It is ordered that a copy of the testimony of Nelson Moore taken at Muskogee, Indian Territory, on February 5, 1902, in the application of Moses Hardrick, for enrollment as a Cherokee freedman, Case No. D-314, be filed with, and made a part of the record in the applications of Ned Lyons and others, for enrollment as Cherokee freedmen, Consolidated Case Nos. B-36, D-1328, D-261, D-262, D-263, D-367.

*T. B. Needles.*

Commissioner.

OCT 20 1



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E. D.  
1000

# NOTICE!

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman

Case No. D 100  
Ed Smith vs 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 Chelsea

Indian Territory, on the following dates, to-wit: JUN 12 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 presence of JUN 4 1901, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 4 day of JUN 1901.

L. R. Rice  
W. W. Hastings  
J. S. Davenport  
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 Edgar Smith attorney on the JUN 4 day of JUN 1901. A. D. 1901.

Subscribed and sworn to before me this JUN 4 of 1901. J. C. Starr Notary Public.

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

FILED

MAY 21 1901

*[Handwritten signature]*

RECORDED

This certificate is that the within  
Appointed administrator was  
well qualified in the Law  
directs

Given under my hand  
on this the 1<sup>st</sup> day of October  
A.D. 1888

J. A. Gordon  
Judge of the Court.

Letters of Administration  
Cherokee Nation

Delaware District

Office of District Judge Delaware District  
To Whom it may concern:

Know ye, that J. L. Ward Judge  
of the District Court of the District and  
County aforesaid do, by virtue of  
authority in me vested by Law,  
this day, make, constitute and  
appoint in the name and by the  
authority of the Cherokee Nation

A. Lynch of the Estate of  
Jeff Lyons (deceased) late of  
Delaware District Cherokee Nation  
the said A. Lynch having complied  
with and performed all the duties  
required by the Law of this  
Jurisdiction to this appointment

In Testimony whereof  
I hereunto set my hand  
on this the 1<sup>st</sup> day of Oct.  
A.D. 1885

J. L. Ward  
Judge with ~~the~~ District of  
Delaware District  
C. N.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO STUDY THE CIVILIZED TRIBES  
1971

Office of District-Judge,  
Wilmington District - C. D. } May 7<sup>th</sup> 1889.

Ed. L. Lyons.

You are hereby Notified  
that Ed. L. Lyons was duly author-  
-ized and directed to sell the place  
you now occupy. And that the same  
has been sold accordingly.

You are therefore directed to  
deliver said premises to said  
buyer without delay.

In testimony whereof I have  
set my hand in Office on this 7<sup>th</sup>  
day of May 1889.

J. L. Mason  
J. L. Mason

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

FILED  
MAY 21 1901

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*[Handwritten signature]*



Union Agency, I. T.  
Mercury, June 18<sup>th</sup> 1889

Wm. J. Jones  
Geo. Jones

25

Allen Lynch

In this case in answer to notice received from this office June 4<sup>th</sup> 1889, Allen Lynch came before the Agency, and exhibited letters of Administration from J. L. Ward, Judge of Delaware District. (Charter of Naturalization granted to him Oct 15<sup>th</sup> 1888, & that it further

appears that he was duly qualified as such, as shown by Jeff Lyons deponent.

In view of this fact this office does not feel warranted in passing upon the citizenship of Jeff Lyons deponent. The question of citizenship belongs exclusively to the Cherokee Court, & therefore, this Agency will not intervene further in the matter. The Petition of Wm. J. Jones & wife is dismissed.

Very Respectfully,

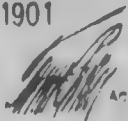
Wm. J. Jones

U. S. Ind. Agent,

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

FILED

MAY 11 1901



ACTING CHAIRMAN

Case House  
 Reclamation Dist (May 5<sup>th</sup> 1890)  
 District Judge  
 District

Please Sir, I have the honor  
 to submit to you my account  
 as administrator of the  
 estate of John Thomas deceased  
 and ask your approval of  
 the same.

Expenses to read from House records	\$ 4.50
3 trips to court House	3.00
3 trips to court	2.00
Expenses of printing	1.00
Per diem	.50
Printing cost	.25
and Seal	.50
	.13
Advertising	.75
	16.20
Per cent of Estate	16.00
	32.20

The above claim is due to be paid  
 on the 6 day of May 1890  
 J. H. Suppington Judge Dist Court

# **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. Ned Lyons,

Hayden, I.T.  
Cherokee F-D-251  
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED  
FILED  
1901

*[Handwritten signature]*

CHEROKEE FREEDMEN.

Date *May 14, 1901*  
Post Office *Hayden, Ga.*  
District \_\_\_\_\_

1. Name *Med Lyons* Age *31*  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year *186* Page *116* No. *2878* District \_\_\_\_\_

Parents:  
Father *M. Lyons* Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

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

Parents:  
Father *Robert* Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

No.	Year	Page	No.	Dist.
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. 1* Stenographer *Blg. Jones*

*In Alabama roll, Page 160 \* 72*

*X Ref.*

*Mullett and Smith, Atty for applicant.*

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COMMISSIONERS  
HENRY I 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 Ned Lyons for enrollment as  
a Freedman of the Cherokee Nation, one copy of original testimony,  
May 10th, 1901, one copy of the supplementary testimony, May 11th,  
1901 and one copy of the supplementary testimony, May 20th, 1901.

*W. Little Smith*  
Attorney for Applicant.

Cherokee F. #D251.



COPY.

Cherokee Freedmen

D-251.

Muskogee, Indian Territory, November 11, 1904.

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

Gentlemen:

There is herewith enclosed a copy of the testimony of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1904, in the matter of the application for the enrollment of Moses Hardrick as a Cherokee freedman, together with an order signed by Commissioner Needles making same a part of the record in the matter of the application for the enrollment of Ned Lyons, et al., as Cherokee freedmen.

Respectfully,

SIGNED: *Tame Bixby*  
Chairman.

Incl. 8-41.

COPY.

Cherokee Freedman  
D-251.

Muskogee, Indian Territory, January 9, 1905.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

~~The Commission is in receipt of your letter of December 31, 1904, asking to be advised as to the status of the application for the enrollment of Ned Lyons as a Cherokee Freedman.~~

In reply you are advised that the Commission has not yet rendered a decision in this case.

Respectfully,

*James Fixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-261.

Muskogee, Indian Territory, April 18, 1905.

Wad Lyons,

Warden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the 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, 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,

*Tams Birby.*  
Chairman.

Incl. 3-93

Register

COPY.

Cherokee Freedmen

D-251, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Ned Lyons, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905 reflecting, among others, the application for the enrollment of Ned Lyons, Rachel Landrum, Fli e and Nelson J. Lyons, Altha and Oscar Moore, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(SIGNED) *Tame Bixby.*  
Chairman.

Incl. S-98

Register

COPY

Cherokee Freedmen

N-46, et al.

Muskogee, Indian Territory, April 13, 1906.

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

Gentlemen:

There is herewith incl and a copy of the decision of  
the Commission to the Five Civilized Tribes, dated April 13, 1906,  
rejecting the applications for the enrollment of George, Bertha  
Bessie Irons, Minora Vivens, Nettie Higgs, Richard and Nellie  
Ware, Ned, Kliss and Helen J. Lyons, Rachel Landrum, Altha and  
Oscar Moore, George F., Rosetta and Eliza Lynch, 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,

(SIGNED) *Tams Bixby.*  
Chairman.

Incl. 3-101

Cherokee Freedmen  
B-16, et al.

Yuskogee, Indian Territory, April 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Irons, et al., including the Commission's decision dated April 14, 1905, rejecting the applications for the enrollment of George, Martha and Nettie Irons, Elmer Vivens, Nettie Hayes, Richard and Jollie Nero, Ned, Elias and Nelson J. Lyons, Rachel Landrum, Altha and Oscar Moore, George V., Rosette and Eliza Lynch, as Cherokee freedmen.

Respectfully,

SIGNED: *Tams Dixby.*  
Chairman.

Incl. 9-102.

Through the

Commissioner of Indian Affairs.

-Copy-

J.Y. Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D.C.20043.  
I.T.D.0084-1906.

May 16, 1906.

L.R.S.

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

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedman case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse H. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

2 inclosures.

D.C.19486.

May 19, 1906.

The Honorable,

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

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36            4  
Bettie Mayes----- F. D. 87  
Richard Nero (or Irons) F D 1326  
Ned Lyons F D 251  
Rachel Landrum F D 252  
Elias Lyons et al F D 253  
Altha Moore et al F D 357  
George W. Lynch et al F D 731.

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the Summer or early fall of 1866 and came to the



Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten

Attorneys for applicants.

Cherokee Freedmen  
R 36

Muskogee, Indian Territory, May 24, 1906.

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown to the Department, a rehearing is ordered in the case to permit the applicants and the attorneys for the Nation to offer such

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens".

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedman citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 16, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick cases, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irons cases, if you so desire. If it is your desire to introduce in the

Irons cases witnesses other than those mentioned by you in your letter of May 16, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMB

Encl. B 74

Cherokee Freedmen  
R 36 et al.

Muskogee, Indian Territory, May 24, 1906

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

Gentlemen:

---

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason

Bell, Hastings and Davenport--2.

being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Wardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

Y

You are therefore notified that these cases will be taken up for hearing at the General Office of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Wardrick cases.

In a letter dated May 19, 1906, from Starr and

Bell, Hastings and Davenport--3

Patten, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

IMB

Acting Commissioner

Encl. 3 78

Cherokee Freedmen  
D 251

Muskogee, Indian Territory, May 25, 1906

Med Lyons,

Hayden, Indian Territory.

Dear sir:

In connection with your Cherokee freedmen enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Department, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department states that on April 27, 1906, the attorneys for the applicants in the cases with which your application was consolidated, requested, in the event of



Ned Lyons,--8

favorable action upon the motion filed in the case, that they be considered with the cases of Moses Hardrick, et al. which were remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner of the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick, et al., and the attorneys have been so advised.

Respectfully,

LMB

Acting Commissioner

( COPY )

Vinita, I.T: May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Irons et al. as Cherokee Freedmen, we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the honorable Commissioner at the time this cause is set for re-hearing:

- Calvin Ross, . . . . . Iola, Kansas.
- Elizabeth Thomas/ . . . . . Iola, Kansas.
- John C. Thomas, . . . . . Iola, Kansas.
- Mrs. Sarah Bird . . . . . R.F.D. #3, Longton, Kansas.
- Phelix Lorange . . . . . R.F.D. #6 Howard, Kansas.
- James Cristy . . . . . Geneva, Kansas.
- Joe Morris Sr., . . . . . Iola, Kansas.
- John Walters,-- Table Mound cement Works, Independence Kans
- Mrs. Maggie Harville. . . . . Iola, Kansas.
- Andy Fry, . . . . . Ketchum, I. T.
- Willie Fry . . . . . Ketchum, I. T.
- Tobias Bean . . . . . Ketchum, I. T.
- Leander Bean . . . . . Ketchum, I. T.
- Thomas H. Moore, . . . . . Ketchum, I. T.
- Rosa Moore, . . . . . Ketchum, I. T.
- Synthia Lynch, . . . . . Ketchum, I. T.
- Simon Lynch, . . . . . Ketchum, I. T.
- T. Thompson, . . . . . Vinita, I. T.
- Arthur Bean . . . . . Ketchum, I. T.
- Joe Davis . . . . . Vinita, I. T.
- Web Downing . . . . . Catala, I. T.
- Jennie Downing, . . . . . Catala, I. T.
- Daniel Sanders, . . . . . Centralia, I. T.
- Joseph Bean . . . . . Chaffee, I. T.

We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Respectfully,

Starr & Patten  
Attorneys for applicants

Cherokee Freedmen  
R 36

Wahlebec, Indian Territory, June 4, 1906

Starr and Patten,  
Attorneys for George Irons, et al.  
Vinita, Indian Territory.

Gentlemen:

---

Receipt is hereby acknowledged of your letter of  
May 30, 1906, advising the names and addresses of the wit-  
nesses you propose to introduce in the Cherokee Freedmen  
enrollment case of George Irons, et al.

Respectfully,

LMB

Commissioner

Waukegan, Indian Territory, June 4, 190

all, as shown by reports

Attorney for Cherokee Nation,

Waukegan, Indian Territory.

Dear Sirs:

Your kind letter of the 1st inst. is received of  
which I am glad to hear, and I am glad to hear  
that you have been successful in your case of George Irons,  
et al., which I am glad to hear has been settled  
of the following witnesses or help of the applicants:

- Calvin Ross, . . . . . Iola, Kansas
- Elixabeth Thomas, . . . . . " "
- John C. Thomas, . . . . . " "
- Mrs. Sarah Bird, . . . . . R.F.D. #3, Tongton, Kansas
- Phelix Larence . . . . . R.F. #6, Howard, Kansas
- James Cristy, . . . . . Geneva, Kansas
- Jack Morris, Sr. . . . . Iola, Kansas
- John Walters, . . . . . Table Round Cement Works, Independence,
- Mrs. Maggie Darville, . . . . . Iola, Kansas
- Andy Fry, . . . . . Ketchum, I. T.
- Millie Fry, . . . . . " "
- Tobias Bean, . . . . . " "
- Leander Bean, . . . . . " "
- Thomas H. Moore, . . . . . " "
- Rosa Moore, . . . . . " "

Bell, Winston & Waverport--2

Cynthia Lynch, . . . . . Ketchum, I.T.  
Si on Lynch, . . . . . " " "  
T. F. Thompson, . . . . . Vinita, " "  
Arthur Bean, . . . . . Ketchum, " "  
Joe Davis, . . . . . Vinita, " "  
Web Downing . . . . . Catale, " "  
Jenna Downing . . . . . " " "  
Daniel Downers . . . . . Centralia " "  
Oscar Down, . . . . . Chaffee, I.T., and will re-

call Nelson . . . . . for the Cherokee nation, for  
further cross examination.

Winston Bell,

Co. . . . .

Cherokee  
F R 874 et al.

Muskogee, Indian Territory, July 23, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Ind. CL-23.  
GHL

Commissioner.

Cherokee  
F R 874 et al.

Muskogee, Indian Territory, July 23, 1906.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,  
Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GH-26.  
GHL

Commissioner.

Cherokee F.  
D 861

Muskogee, Indian Territory, February 13, 1907.

Ned Lyons,

Hayden, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded 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,

Encl. HJ-30  
JMH

Commissioner.

Register.



Cherokee F.  
R 874 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Jesse Hardrick, et al.,

Vinita, Indian Territory.

REPLY

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Melinda Hardrick, and rejecting the applications for the enrollment of Jesse Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

Respectfully,

Encl. 73-304  
HJC

Commissioner.

Cherokee v.  
# 574 et al.

Muskogee, Indian Territory, February 13, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, 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,

Encl. 47-3A.  
HJC

Commissioner.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Wardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Wardrick and rejecting the applications for the enrollment of Moses and Silas Wardrick, Sarah Dean, Nelson, LeRoy, William, Mabel, Leona and Elias J. Wardrick, Arthur, Ethel, Mattie, and Claude Lynch, Mary Wardrick, Amos, and Jackson Lonien, George, Bertha and Nettie Irons, Minora Wivens, Nettie Hayes, Richard and Nellie Here, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Beattie and Eliza Lynch,

as Cherokee freedmen.

On April 8, 1906 (I.T.D. 626-1904, 8481, 8383, 811, 8821-1905, 1938, 2830, 8298-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Verdick, et al., and remanded the case to this office for further hearing and readjustment, and on May 11, 1906 (I.T.D. 8098, 8093, 8741-1908; 1847, 1848, 1872-1908), the Department remanded to this office for further hearing and readjustment the case of George Irons, et al.

Respectfully,

Encl. J-39.  
HJC

Commissioner.

Through the Commissioner  
of Indian Affairs.

(COPY)

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

LAYD.  
16327-1907  
19108- "

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Wardrick, et al., as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Wardrick, and rejecting the application for the enrollment of Moses and Silas Wardrick, Sarah Bean, Nelson, Le Roy, William, Mable, Leona and Eliza J. Wardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Wardrick, Amos and Jackson Lonien, George, Bertha, and Pettie Irons, Elnora Wivens, Bettie Mayes, Richard and Mollie New, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the Office on February 25, 1907, by McGowan, Serven & Mohun, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner

FVE--SD

W.H.M.  
J.P.

DEPARTMENT OF THE INTERIOR,

D. 12656-1877.

WASHINGTON.

IRS.

March 2, 1907.

I. T. D.

5694, 5712, 5714, 5716,  
5726, 5768, 5808, 5822,  
5826, 5836, 5850, 5852,  
5860, 5864, 5870, 5772,  
5880, 5910, 5916, 5924,  
5942, 5946, 5948, 5950,  
5954, 5960, 5970, 5972,  
5996, 5998, 6000, 6002,  
all 1907.

DIRECT.

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

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Moses Hardrick, et al. (freedmen),	February 13, 1907.
Alexander M. Anderson,	February 21, 1907.
Mailine Patrick,	February 19, 1907.
Leona Arreta Kincaid,	February 12, 1907.
Neema Worley Hicks, (freedmen),	February 12, 1907.
James McCumish,	February 2, 1907.
George W. Hill,	February 18, 1907.
Lydia M. Ward, et al. (freedmen),	February 12, 1907.
Mary E. Coker,	February 8, 1907.
Charlotte E. Laughlin, et al.,	February 21, 1907.
Jessie Lee Ligon, et al.,	February 18, 1907.
Joseph Hanson,	February 14, 1907.
John Earl Redburn, et al.,	February 15, 1907.
Minnie L. Fones, et al. (freedmen),	February 13, 1907.
Clark E. Garmany,	February 19, 1907.
George E. Freeman (freedman),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs, et al.,	January 17, 1907.
Alverts Flemmings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
D. H. Flournoy,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Roxie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarence Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

32 enclosures, and  
70 enclosures to Ind. Of.,  
with carbon hereof.

A. Y. Mc.  
3-2-07.



Cherokee v.  
D 251.

COPY

Muskogee, Indian Territory, March 22, 1907.

Ned Lyons,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

LMC

Cherokee F.  
R 631.

COPY

Muskogee, Indian Territory, March 22, 1907.

Starr & Patten,  
Attorney for Moses Hardrick, et al.,  
Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, 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. C-49  
LMC

SIGNED: *Wm. J. Exby.*  
Commissioner.

Cherokee P.  
R 874 et al.

CONFIDENTIAL

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Wardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

Encl. C-50  
LHC

Commissioner.

Cher Fr R 852

Trans. from Cher Fr R 852

Cher Fr R 852

Mellette & Smith attorneys for applicant.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May, 10th 1901.

In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testifies as follows:

- Q What is your name? A. Rachel Landrum.  
Q What is your age? A. 27.  
Q What is your post office address? A. Chaffee  
Q In what district do you live? A. Delaware.  
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.  
Q Who do you want to have enrolled besides yourself? A. Just myself.  
Q Have you ever applied for enrollment as a Freedman of any other 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. No sir.  
Q Are you married? A. Yes sir.  
Q What is your husbands name? A. Sam Landrum.  
Q What is your fathers name? A. Jeff Lyons.  
Q Is he living? A. No sir.  
Q What is your mothers name? A. Mahala Lyons.  
Q Is she living? A. No sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir, on the Wallace roll.  
Q Did you draw strip money? A. Yes sir.  
Q Were you married before you were married to Landrum? A. Yes sir to John Pee.  
Q Is he living? A. No sir.

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 the name of the applicant not found thereon.

The Kerne-Clifton roll of the Cherokee Nation examined and the the name of the applicant identified thereon as follows:  
Page 116 No. 2880, Rachel P. Lyons, District unknown.

The Wallace roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:  
Page 174, No. 5245, Rachel Lyons, Cooweescoowee district.

- Q How long have you lived in the Cherokee Nation? A. All my life.  
Q Got any children? A. No sir.

By Edgar Smith of counsel for applicant:-

- Q Are you a sister to Ned Lyons? A. Yes sir.  
Q And Elias? A. Yes sir.  
Q Is your father's name Jeff Lyons? A. Yes sir.

By W. W. Hastings, for Cherokee Nation:

- Q You have lived here all your life as far as you know? A. Yes sir, that is as far as I ever expect to know, all my life.

By Com'r Needles,-

Rachel Landrum applies for the enrollment of herself as a Cherokee Freedman; she is not identified on the roll authenticated roll of 1880 or the census roll of 1896; she is found on the Kerne-Clifton roll and the Wallace roll and is identified thereby. Comes now the attorney for the applicant and asks that the testimony taken in the case of Ned Lyons, D. Card No. 281, the the enrollment of himself and family, be

Rachel Landrum 3.

referred to and made a part of this case, consequently same will be so ordered, and the said Rachel Landrum will be listed as a Cherokee Freedman on a doubtful card awaiting the further consideration of the Commission. When a decision is reached by the Commission, she will be notified thereon by mail.

.....

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

*Charvon Weise*

Subscribed and sworn to before me this the 15th of May, 1901 at Vinita,  
I. T.

*W. D. Green*

*W. D. Green*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED

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*11/11/1884*

CHEROKEE FREEDMEN.

Date *May 26 1861*  
Post Office *J. Chapman 25*  
District *Hawaii*

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

Parents:  
Father ~~\_\_\_\_\_~~ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

1. Name of wife *Rachel Larrison* Age *27*  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year *1860* Page *116* No. *2570* District \_\_\_\_\_

Parents:  
Father *William Lyons dead* Citizenship \_\_\_\_\_  
Mother *Mahala Lyons dead* Citizenship \_\_\_\_\_

Names of Children:

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

Application made by *Ms. 1* Stenographer *Chas. J. Davis*

*On Roll as Rachel P. Lyons  
Wallace Page 174 \* 3245 Rachel Lyons Co.*

*X Ref N 251*

*Willetta W. Smith, atty. for applicant.*



RECEIVED  
MAY 11 1890

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will not interfere further in the matter. The Petition or complaint  
of Geo. Irons & wife is dismissed.

Very respectfully,

Geo. F. Bennett,  
W.A. Ins. Agent.

C O P Y

Court House, Delaware Dist. May 8th, 1890.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 11, 1901.

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman.

In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.

In the matter of the application of Elias Lyons for enrollment as a Cherokee Freedman.

Supplemental testimony.

Both applicant and the Cherokee Nation present by their attorneys of record.

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Allan Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Allen Lynch.

Q You testified here yesterday in the case of Ned Lyons, did you?

A Yes, sir.

Q You spoke of having acted as administrator on the estate of the father of Ned Lyons, who was Jefferson Lyons; I will ask you to look at that paper (hands witness paper). A I think this is what you want.

Q Look at this paper (hands witness paper.) A I can't read that writing.

Q Where did you get these papers? A I got some of them from Joe Ward.

Q Who was Joe Ward? A He was the Judge.

Q Judge of what? A Judge of Delaware district, District Judge.

Q In the Cherokee Nation? A Yes, sir, certified I think by Tom Buffington when he was Judge, one of them from the Agent.

Mr. Smith: Now if the Court please, I desire to offer Letters of Administration issued on the first day of October, 1888, by J. L. Ward, Judge of the District Court of the Delaware District of the Cherokee Nation, letters of administration to Allen Lynch as administrator of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony because of the same is not duly attested, does not bear the attest or the signature of the Clerk of the District, nor does it have his seal.

Commissioner: It will be filed.

Mr. Smith: Mr. Lynch, was the Jeff Lyons whose estate you testified that you administered, related to Ned Lyons in whose case you testified yesterday? A His father.

Mr. Smith: I desire to offer the report of Allen Lynch as administrator of the estate of Jeff Lyons, which was approved—

Mr. Hastings: The report will show for itself; don't give the contents in the offering.

Mr. Smith: I just submit it then.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to what purports to be a report, first for the reason that it is not a certified copy of the report; second, that it bears neither attestation or any official seal; third, it is not shown that the witness is the custodian of the official records of the Delaware district; and fourth, it is not shown that the records are lost; and lastly, that the record is the best testimony and this does not purport to be a copy of the record. I don't see how there can be any excuse for offering this last, because he don't claim to be

the custodian of that, and it is just a fly leaf with marks on it.

Mr. Smith: I am not offering all my proof at this time, I will come to that later.

Mr. Hastings: I mean this, and I think that ought not to be allowed filed.

Mr. Smith: I will prove before I get through with it that that report was approved by T. M. Buffington, Judge, in the matter of the administration of the estate of this applicant's father, and it is not a certified copy because it is the original and signed by T. M. Buffington.

Mr. Smith: Now I offer an order of Court in the matter of the administration of Ned Lyons, signed by J. L. Ward, District Judge.

Commissioner: Is there any contention that this man here was the administrator?

Mr. Smith: They objected yesterday on the ground that his statement was not the best evidence of the fact.

Mr. Hastings: Comes now the attorneys for the Cherokee Nation and object to the piece of note paper upon which a few letters are written under date of May 7, 1889, claimed to be an order of Court, first, for the reason that it is not officially attested, there being no seal attached to the same; second, it is not shown that the records are lost or destroyed, and there has been no attempt to show the same in an official way, and third, it is not shown that this witness is the custodian of the ~~estate of the father of the~~ official records.

~~Mr. Hastings: Comes now the attorneys for the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo E. Bennett~~

Mr. Smith: Now I desire to offer a decision of the Indian Agent, Leo E. Bennett, located at Union Agency, dated Muskogee June 13, 1889, in a matter pertaining to the administration of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo E. Bennett, United States Indian Agent, has no relevancy whatever in the matter in controversy.

Mr. Smith: Do you recollect, Mr. Lynch, with regard to the report of your expenses which I showed you, as to whether Mr. Buffington signed that; can you state whether he signed it or not, or do you remember?

Mr. Hastings: Objected to by the representatives of the Cherokee Nation for the reason that the record is the best testimony, and it must be first shown that the record is lost or destroyed before outside testimony will be permitted to prove the same.

Mr. Smith: If the Court please, this is the record itself; it hasn't been lost because we have it right here.

Commissioner: Well, he ought not to be custodian of the records.

Mr. Smith: Well, there are a great many things during the administration of the Cherokee Courts that I don't understand.

Commissioner: I suppose the records of the Cherokee Court ought to show the appointment of this man as administrator; they objected to the letters from the fact that they were not duly attested. I don't know whether the Cherokee Nation has been in the habit of attesting letters by seal, by a Clerk with a seal as they do in God's country. Well, let the testimony go in for what it is worth.

Mr. Smith: I would like to prove — I suppose I might ask if there is any gentleman here who knows Mr. Tom Buffington signature. (To Mr. Hastings) You will admit this is

T. M. Buffington's signature; of course you are both familiar with it.

Mr. Hastings: I think it is; that is his name anyway.

Mr. Hastings (to witness): The mother of Ned Lyons and Elias and another sister, who are applicants here, died before 1880, didn't she?

A I don't remember whether she did or not.

Q You know she died? A Yes, sir, she died.

Q Jeff Lyons married a citizen a second time, a recognized citizen?

A Let me see, I don't remember but he married the last time to that woman, the mother of these children died.

Q You don't know whether his second wife was a recognized citizen; wasn't she? A Yes, sir, I guess so.

Q Did she die before Jeff did, his second wife? A I forget whether he married any more or not; he was a widower when he died.

\*\*\*\*\*

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 14th day of May, 1901.

*[Faint signature]*

Commissioner.

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-2-

will not interfere further in the matter. The Petition or complaint  
of Geo. Irons & wife is dismissed.

Very respectfully,

Leo F. Bennett,  
W.A. Ins. Agent.

C O P Y

Court House, Delaware Dist. May 8th, 1898.

SUPPLEMENTAL TESTIMONY.

F.-D.#251.

F.-D.#253.

F.-D.#252.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ned Lyons, D.#251, Elias Lyons, D.#253, and Rachel Landrum, D.#252, as Cherokee Freedmen:

APPEARANCES:

Mr. Smith, of firm of Mellette & Smith, Attorneys for Applicants.

Mr. W. W. Hastings, for the Cherokee Nation.

MR. HASTINGS: Comes now the Representatives of the Cherokee Nation and offer in testimony a certified copy of the records of the Executive Department of the Cherokee Nation, filed in case of Altha and Oscar Poore, D. #357, showing that Jefferson Lyons presented a petition and was granted a license to marry Lou Eza Buffinton by R. T. Carey, Clerk of Delaware District, on the 12th day of February, 1879.

MR. SMITH: Applicants object to the introduction of that testimony as not tending to prove any issue in this case, and for the further reason that it is not the best testimony.

ALLEN LYNCH, called as a witness on the part of the Cherokee Nation, sworn and examined by Commissioner E. Needles, testified as follows:

- Q Your name is Allen Lynch? A Yes, sir.  
Q Post office? A Vinita.  
Q What district do you live in? A In Delaware.  
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.

BY W. W. HASTINGS:

- Q Did you know Jefferson Lyons during his life time? A Yes, sir.  
Q He was the father of Elias? A Yes, sir.  
Q Ned? A Yes, sir.  
Q And Rachel Landrum? A Yes, sir.  
Q Now, do you know when the mother of these three children I have just called died? A Well, about, yes, sir.  
Q Well, about when? A I don't know whether I could tell you just exactly the time.  
Q Well before '79? A (No response.)  
Q Who was Jeff Lyons' last wife? A You asked me that question before but I forgot; his last wife was Lou Eza Buffington, but I had forgotten it when you asked me before.  
Q And he married her about '79? A Somewhere along about there.

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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 21st day of May, 1901.

*[Handwritten Signature]*

Commissioner.

C O P Y.

Letters of Administration.

Cherokee Nation  
Delaware District.

Office of District Judge, Delaware district.

To whom it may concern:

Know ye, that I, J. L. Ward, Judge of the District Court of the District and Nation aforesaid do, by virtue of authority in me vested by law, this day, make, constitute and appoint in the name and by the authority of the Cherokee Nation, Al Lynch, of the Estate of Jeff Lynch (deceased) late of Delaware District, Cherokee Nation, the said Al. Lynch having complied with and performed all the duties required by the Law of him precedent to this appointment.

In testimony whereof I hereunto set my hand on this the 1st day of Oct. A.D. 1888.

J. L. Ward,  
Judge Dist. Court of Delaware District,  
C. N.

\*\*\*\*\*

Above endorsed on back as follows: This certifies that the within appointed Administrator was duly qualified as the law directs.

Given under my hand on this the 1st day of October A.D. 1888  
J. L. Ward, Judge Del. Dist. C.N.

C O P Y .

Office of District Judge, Delaware District, C.N. May 7th, 1889.

To Elias Lyons.

You are hereby notified that Allen Lynch was only authorized and directed to sell the place you now occupy, and that the same has been sold accordingly.

You are therefore directed to deliver said premises to said Lynch without delay.

In testimony whereof I hereunto set my hand in Office on this 7th day of May, 1889.

J. L. Ward, J.D.D.C.N.

C O P Y .

~~Court of the Cherokee Nation, Delaware District, Cherokee Nation, June 15th, 1889.~~ Union Agency, I. T.  
Muskegee, June 15th, 1889.

Winnie Irons & Geo. Irons.  
vs Allen Lynch.

In this case in answer to notice issued from this office June 4th, 1889, Allen Lynch came before the Agency, and exhibited letters of Administration from J. L. Ward, Judge of Delaware District, Cherokee Nation, granted to him October 1st, 1888, and it further appears that he was duly qualified as such as Adm. of Jeff Lyons deceased. In view of this fact this office does not feel warranted in passing upon the citizenship of Jeff Lyons, deceased. The question of citizenship belongs exclusively to the Cherokee Courts, & therefore this Agency

will not interfere further in the matter. The Petition or complaint of Geo. Irons & wife is dismissed.

Very respectfully,  
Leo E. Bennett,  
W.A. Ind. Agent.

C O P Y

Court House, Delaware Dist. May 8th, 1890.

Mr. T. M. Buffington,  
District Judge, Del. Dist.

Dear Sir:

I have the honor to submit to you my account as administrator of the estate of Jeff Byons deceased and ask your approval of the same.

1 Trip to and from Muskogee, I.T.	\$ 7.50
3 Trips to Court House	3.00
2 Trips to Vinita, I.T.	2.00
Appraising property	
Ferrage,	1.00
" again	.50
Ferrying cow	.25
and self	.50
Board,	.75
Advertising,	.75
	<u>18.20</u>
Per cent of Estate	10.00
	<u>\$28.20</u>

The above claim sworn to before me and approved this 6 day of May, 1890. T. M. Buffington, Judge Dist. Court.

Bruce G. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true copy from the originals, filed in case of Ned Byons, Cherokee Freedman D-851.

Bruce G. Jones

Sworn to and subscribed before me this the 3rd of June, 1901.

W. B. ...

Commissioner.



FD. 252

ADMISSION TO THE F. B. I. AND THE

FILED

JUN 10 1901

NOTICE

# NOTICE!

In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.

Case No. D 252

To Rachel Landrum

Cherokee

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 Cherokee

Indian Territory, on the following dates, to-wit:

JUN 12 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 on this

JUN 4 1901 1901.

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

Edgar Smith attorney

on the

JUN 4 1901

A. D. 1901.

Thomas Poole

Subscribed and sworn to before me this JUN 4 1901

1901

J. C. Starr Notary Public.

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COMMISSIONERS

HENRY L. DAWFS.  
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 Landrum, for enroll-  
ment as a Freedwoman of the Cherokee Nation, one copy of the ori-  
ginal testimony of May 10th, 1901, one copy of the supplementary  
testimony of May 11th, 1901 and one copy of the supplementary  
testimony of May 20th, 1901.

*Melville Smith*

Attorney for Applicant.

Cherokee F. #D252.



To be filed with Rachel Landrum C. F. D. 252.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 10, 1901.

In the matter of the application of Ned Lyons for the enrollment of himself, his wife and four children as Cherokee freedmen. Ned Lyons being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Ned Lyons,  
Q How old are you? A. 31.  
Q What is your post office address? A. Hayden.  
Q What district do you live in? A. Cooweescoowee #1  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Did you ever apply to be enrolled as a freedman of any other tribe or nation? A. No sir.  
Q Did you ever draw any money from any other tribe or nation? A No sir  
Q Who do you want to enroll besides yourself? A. My wife and family.  
Q How much family? A I have got four children.  
Q What is the name of your wife? A. Nancy Landrum.  
Q How old is she? A. She is 20 years old, no, 21.  
Q Give me the names of your children, please? A. Delsie.  
Q How old is Delsie? A She is 10 years old.  
Q The next child? A. James Elmer.  
Q How old is he? A. He is 2 years old.  
Q The next child? A ~~James~~ Mahaley.  
Q How old is Mahaley? A. She is 3 years old  
Q The next one? A. Katie.  
Q How old is Katie? A. She is a little over a year  
Q What is your wife's father's name? A. John Landrum.  
Q Is she living? A. Yes sir.  
Q What is your wife's mother's name? A. Mary Landrum.  
Q Is she living? A. Yes sir.  
Q Does your name appear upon the authenticated roll of 1880? A. No sir  
Q Does the name of your wife? A. Yes sir.  
Q Does your name appear upon any of the rolls of the Cherokee Nation?  
A It appears upon the Wallace and Clifton roll.

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

The 1896 census roll of Cherokee freedmen examined and the applicant Ned Lyons not identified thereon.

The Kern-Clifton roll examined and the applicant Ned Lyons identified thereon, page 116, No. 2878, no district given.

The Wallace roll examined and the applicant identified thereon Page 160 No. 42, as Ned Lyons, residence, Cherokee Nation.

The 1880 authenticated roll of Cherokee freedmen examined and the applicant Nancy Lyons identified thereon, page 151 No. 1690, Cooweescoowee district, as Nancy Landrum.

- Q Is Nancy Landrum the mother of these children? A She is of all but one, and the oldest one's mother is Mariah Landrum, of the same family  
Q Is she living? A. No sir she is dead.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Mariah Landrum found thereon, page 151, No. 1687, Cooweescoowee district.

Q Are John and Mary living, her father and mother? A. Yes sir.

Q Were you married before 1896 to Nancy? A. Yes sir.

The 1896 census roll of Cherokee freedmen examined, and the applicants identified thereon as follows:

Nancy Lyons on page 409, No. 298, Cooweescoowee district, as Nancy Landrum.

Delsie Lyons not on 1896 roll.

The Kern Clifton roll examined and the applicant, Delsie Lyons identified thereon, page 6, No. 151 Cooweescoowee district as Delsie Lyons.

Q How long has your wife lived in the Cherokee Nation? A. All her days

Q Born and raised in the Cherokee Nation? A. Yes sir.

Q Are these children living? A. Yes sir, all living I gave you in, I have got one dead.

By Edgar Smith, attorney for applicant-

Q Who was your father? A. Jeff Ross.

Q Who was your mother? A. Mahaley Daniels before she married him.

Q Who owned your father? A. Lewis Ross.

Q How old are you? A. I am 51 years old.

Q Where do you live? A. I live in Cooweescoowee district near Hayden postoffice.

Q How long have you lived in Cooweescoowee district? A I have lived there about five years or six years.

Q Where did you live before you lived in Cooweescoowee district? A. Lived on Grand river near Bowling Ferry, where I was born at.

Q How long have you lived in the Cherokee Nation? A I was born here, don't know nowhere else.

Q Have you any property in the Cherokee Nation? A. Yes sir I have a couple of farms west of here in Cooweescoowee.

Q How long have you had either one of them? how long since you acquired the first one? A. Since 1896; I moved from Grand river in 1896 where I lived with my first wife, I lived on my father's place then.

Q You are on the Kern-Clifton roll? A Yes sir.

By W. W. Hastings, Cherokee attorney-

Q Are you on the Wallace roll? A. Yes sir.

Note opposite names of applicant on Wallace roll: " Though born and raised in the Cherokee Nation, no evidence that they are children of Cherokee freedmen."

Q Have you always lived in the Cherokee Nation? A. Yes sir, always lived here.

Q Never lived out? A. Never live out.

ALLEN LYNN, being duly sworn by Commissioner Needles, testified as follows-

Mr Smith: State your name? A Allen Lynch.

Q Where do you live? A. I live here in Vinita now.

Q Do you know Ned Lyons? A. Yes sir.

Q How long have you known him? A. I knowed him ever since he was born.

Q Who was his father? A. Jeff Lyons.

Q Did you know him in his life time? A. Yes sir.

- Q Do you know whether he was a Cherokee slave or not; slave of a Cherokee? A. Yes sir.
- Q To whom did he belong? A Lewis Ross.
- Q Was Lewis Ross a citizen of the Cherokee Nation? A. Yes sir, a citizen
- Q Do you know what became of Ross during the war, whether he left the Cherokee Nation or remained here, Jeff Ross? A. Jeff Lyons that called him, I dont know.
- Q What do you say about Jeff, did he leave or not? A. Yes sir.
- Q When did he come back? A, He came back just before Christmas in the winter of '66.
- Q Did you see him here at that time? A Yes sir he lived right in the yard with us.
- Q With whom? A. With me and Andy Fry and Aaron, four or five families lived there.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Are you on the 1880 roll? A Yes sir.
- Q Recognized by the Cherokee Nation as a citizen? A Yes sir
- Q Have you ever had anything to do with this young man Ned Lyons in the Courts of the Cherokee Nation? A. Yes sir.
- Q What? A. Why, I was appointed as administrator of old man Lyons. estate for these children.
- Q You were appointed administrator? A Yes sir, by Judge Ward.
- Q Who was Judge Ward? A. Joe Ward.
- Q What was he? A. He was the judge and he appointed me as administrator over the estate of Jeff Lyon.
- Q Of the estate of Jeff Lyon? A Yes sir.
- Q Who was the father of Ned Lyon? A. Yes sir.
- Q When was that? A. I just cant tell you exactly the year.
- Q Did you wind up the estate? A Yes sir.
- Q About how long ago has that been as well as you remember.

Mr. Hastings:

Comes now the representatived on the Cherokee Nation and object to pursuing this line of investigation any further, because the record in any Court is certainly the best testimony. I allowed a part of it to be gone in, I didn't have any idea it would be gone into at any length.

Commissioner:

There is no doubt but what the record is the best testimony, and the testimony cannot be used without it can be established the records are lost or cannot be produced.

Q In what court was this; where did Judge Ward keep his court? A Delaware district, east of Grand river.

By Mr. Hastings:

- Q Al, you remember everybody that came back in '66? A No, not exactly, no sir.
- Q Your memory is fresh of 55 years ago, know just the exact time all colored people came to your neighborhood? A No, not the exact time, no sir.
- Q You remember all these years that stand out there? A. Well, I can tell you why I remember this.
- Q Why is it you remember this? A. Well, let me tell you; he came here before Christmas in '66 and in January '67 he went back to Kansas and got a lot of goods for old Bob Daniels, and old Bob Daniels gave him a twenty dollar gold piece, the first I seen since the war, for going



after them goods.

Q Where was Bob Daniels keeping his store; where was he? A. He was keeping his family.

Q Where was Bob Daniels living at that time? A. At his place, he came down on his place and got Jeff to go back to Kansas for these goods.

Q Where did Bob come from? A. Came from Texas.

Q When did Bob come up there from Texas? A. He came up there, if I recollect right, sometime in January.

Q On what year? A. In '67.

Q And during that month, you think it was, that Daniels hired Jeff to go back for a load of goods? A About that time he hired Jeff to go back for a load of goods? A About that time he hired Jeff to go.

Q Do you know what that load of goods consisted of? A. Yes sir, it was bacon and flour and Hungarian seed.

Q Take Bob Daneil's team? A Took his own team.

Q Lyon's own team? A. Yes sir.

Q Did he have his wife with him when he came to your place in '66? A Had his wife and left her here and I got wood for her when he was gone.

Q Did he live there the year of '67? A Yes sir, and raised a crop; he put in his corn in June, '67; he didn't get his corn planted till then

Q On the old Dr. Thompson place? A. Yes sir.

Q How many of you fellows made a crop there on that place? A. I wasn't making a crop there at all.

Q How many other of them fellows? A Andy Frye, Jeff Lyons, Mose Hodrick Tom Moore and old uncle Buller McHair.

Q How much was in cultivation on that place? A. They cleaned up about five or six acres apiece.

Q And all of them was making a crop right there? A. Yes sir.

Q And you swear positively Jeff Lyons was there on Christmas of '66? A To my best recollection he came there before Christmas, I don't know positive.

Q You know they were there on Christmas of '66? A. They were there before Christmas, or just about Christmas, and he left from there in January and went back to Kansas.

Q He only made a trip up there and back? A. He made two trips, made one trip for Bob Daniels and one trip for himself.

Q With the exception of short trips up there and back he was down in that country from Christmas of 1866 on? A. Yes sir, that is the best of my recollection.

Q Are you positive about it? A I am telling you the best I can recollect about it.

Q I want to know if you can remember that is the year of '66 or '67? A The year of '67 to my judgment.

Q Was this child born then? A. This Ned, no sir.

Q Did he have any children at all? A Yes sir, he had a child Elias, that was a baby, and he had one girl there alled Anarchy, and he had this Mike Moore, that is his step son, and this Anarchy was his stepdaughter and the boy Elias was a baby.

Q When he came there about Christmas? A When he came there, yes sir.

Q Did he live in the house with you? A. I lived in Dr. Thompson's house and he was living in Dr. Thompson's nigger houses.

Q Some small houses around there, log houses? A. No sir, little brick houses.

Q How far was George Clark living from there at the time? A George Clark lived between four and five miles.

Mr. Smith-

Q Have you the letters of administration issued to you by that Court?

A Yes sir, I think so, I think I have 125 at home.

Q If you can find them will you bring them here to-morrow? A. Yes sir

ANDY FRY, being duly sworn by Commissioner Needles, testified as follows

Mr. Smith-

Q State your name? A. Andy Fry.

Q How old are you? A. A. 64.

Q Where do you live? A. I live southeast of Vinita about 12 miles on the Grand river.

Q Are you a freedman? A. Yes sir.

Q So recognized by the Cherokee Nation? A. Yes sir.

Q Are you on the 1880 roll? A. I guess I am, I have never looked but I guess I am on that roll.

Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.

Q Do you know Ned Lyons? A Yes sir.

Q Do you know his brother Elias? A Yes sir.

Q Do you know his sister Rachel Lyons? A. Yes sir

Q Who was his father? A. Jeff Lyons.

Q Who was their mother? A. Their mother was; I most forgot her name; I know it as well as I know any woman.

Q You don't remember her just now? A. I can't remember her name just now, but I know her just as well as anybody.

Q Did you know Jeff Lyons in his life time? A. Yes sir.

Q Where did he live when the war came up? A. He lived with Dr. Ross.

Q Was he a slave of some Cherokee? A Yes sir.

Q Of who? A He went from Lewis Ross to Dr. Ross and lived with Dr. Ross.

Q Were the Rosses Cherokee citizens? A. Yes sir.

Q Do you know what became of Lyons during the war, whether he went out of the Cherokee Nation or not? A Yes sir he went up north.

Q Do you know when he came back? A. He came back in '66 the winter of '66.

Q About where did he come to? A He came up on Russell creek and stopped up there a while and then he came down on Gabbin Creek and staid there a while and he heard of me being over on the other side of the river and he came to the river and hollered over and when I went to the river I was Lyons, a man I had knowed.

Q Was that before or after Christmas of '66? A It was before Christmas

Q This boy Ned Lyons, do you know where he was born? A. Yes sir, I know where he was born.

Q Where was he born? A. Born there at Dr. Thompson's place.

Q Do you know of your own knowledge where his brother Elias was born?

A He was born at Iola Kansas.

Q Do you know where Rachel was born? A. She was born this side of the river, right below Mr. Thompson's place.

Q Was she born before or after the war? A. Rachel was born since the war.

Q Was Elias born before or after or during the war? A. He was born about during of the war or just about the close of the war.

Q Where have these three children of Lyons been living since you first knew them? A. Well they lived near the river there all the while the old man lived, and one of them moved out west, I think one of them is living over there now, I think maybe a couple of them.

Q In or out of the Cherokee Nation? A. No. they have been living in the Cherokee Nation all the time.

By Hastings-

Q What place on Russell creek did Jeff Lyons first come to? A. He staid up there this side of Chatopa.

Q Did he live there a while? A. Yes sir, he staid up there a while in camp.

Q Who with? A. He came up there by himself, just him and his family.

Q You dont know how far from Chatopa? A No sir, it was there on Russell

- creek somewhere, around there towards that old timbered hill somewhere.
- Q You dont know how long he staid there? A. I think he told me he staid up there about three weeks.
- Q And he went from there to Cabbin creek? A Yes sir and he was there in camps about three weeks.
- Q In tents? A. Yes sir in tents.
- Q Anybody live up on Cabbin creek where he was camping? A Wasn't anybody at all there at the time.
- Q Came on down to your place then? A. Yes sir.
- Q You were on the yother side of the river? A. Yes sir.
- Q You helped him across? A. Yes sir.
- Q Did he make a crop with you the next year the year of '67? A Yes sir
- Q Was Jess Cochran living there that year? A. Jess Cochran was living there but he moved out on Cabbin creek.
- Q George Clark was living there? A He was living down on the other side of the river somewhere, but I never seen George Clark till '67.
- ~~Q How many colored people made crops on that one place that year? A. There was me and Jeff and Tom Moore and Butler McNair and Mose Hodrick.~~
- Q Now you know Mose Hodrick didn't come there for two years, dont you? A He came there and made a crop there.
- Q That year? A. He came and made a crop in '67.
- Q They had Jeff cited down at Tahlequah to appear before Bob Daniels Court, didn't they? A I dont know sir.
- Q This same Bob Daniels you hear Allen Lynch testifying about? Z Yes sir.
- Q And Bob Daniels was the Chief Justice of that Court down there? A. Yes sir.
- Q In '71? A Yes sir.
- Q And you know Jeff Lyons and his family were cited down there and Jeff did go down there to Tahlequah in '71? A I don't know wheherhe did or not.
- Q I ask you if he wet to Tahlequah? A. I dont know whether he did or not: I was l'ving on this side in the river.

By Mr. Smith-

"I object to this testimony without the production of the records "

- Q Did he go to Tahlequah? A I dont know sir, I never paid any attention to them Courte cases, I was recognized by the Cherokee Nation at that time and never paid no attention to it.
- Q You never paid any attention to '71 but you did '66? A In '66 I was all right myself and I didn't pay no attention to that myself.
- Q You were not a witness at Tahlequah in '71? A No sir, if I had been called on I would have went, but nobody didn't call on me.
- Q Do you know any other Jefferson Lyons among the colored people? A. No sir.
- Q You are pretty well acquainted among them? A. Yes sir, I am pretty well acquainted among them.
- Q This Bob Daniels that lived out here was the same Bob Daniels a member of that Court at that time? A. Yes sir.

By Smith-

- Q Do you know anything of your own personal knowledge as to whether Jeff Ross' estate was administered on in the Cherokee Courts or not, or Jeff Lyons? A No sir, I don't know for certain but I heard so, I cant swear it for certain, I heard it was.

ANDERSON LYONH being duly sworn by Commissioner Needles, testified

as follows:

Mr. Smith-

- Q What is your name? A. Anderson Lynch.  
 Q How old are you? A. About 64 I think, as near as I know.  
 Q What is your post office? A Here at Vinita.  
 Q Are you sometimes called Crap or Crap Lynch? A Yes sir.  
 Q But that is not right, it is Anderson? A. Anderson, yes sir.  
 Q Do you know Ned Lyons? A. Yes sir.  
 Q Do you know his sister Rachel? A Yes sir.  
 Q Is her name Rachel Lyons or is she married? A She was named Rachel Lyons when I knew her, she has married a Landrum.  
 Q Her name is Rachel Landrum then is it? A. ( No answer )  
 Q Do you know Ned Lyons brother Elias? A. Yes sir.  
 Q Did you know their father? A. Yes sir.  
 Q Who was their father? A. Jeff Lyons.  
 Q Was he a slave during the war? A. Yes sir.  
 Q Do did he belong to? A He belonged to Lewis Ross when I knew him.  
 Q Was Lewis Ross a Cherokee and a citizen of the Nation? A. Yes sir ~~he~~  
~~staid in the Cherokee Nation~~ Q. Do you know what became of Jeff Lyons during the war, whether he staid in the Cherokee Nation or went out? A. He went out, went to Kansas.  
 Q Do you know whether he ever came back or not? A. Yes sir, I saw him back here.  
 Q When did you first see him back? A It was in—it was along in the fall of '66 as well as I can remember about it, it was along in the winter, I dont know just exactly what time it was.  
 Q Where have these children, Ned, Elias and Rachel lived? A. They lived over there just below the Dr. Thompson place, at a farm over there.  
 Q In the Cherokee Nation? A. Yes sir.  
 Q Lived there all their lives? A Yes sir, as was told not long ago I heard of some of them going out west.  
 Q Where did they go when they went west, as far as Grand river? A Oh, yes, or maybe a little further, somewhere out on the creeks.  
 Q Did they still stay in the Cherokee Nation or did they go out? A. Yes they were in the Cherokee Nation out there.  
 Q Do you know when Jeff Lyons died? A Yes sir, I was over there directly after he died, but I don't remember just what.  
 Q Where did he die? A. Right on his place at home.  
 Q About how many years ago? A. I disremember, I never kept track of it  
 Q Do you know whether his estate was administered on in the Cherokee Courts or not? A. No sir, I dont know whether he was or not, whether he ever went down there.

By Hastings-

- Q Did he die less than 20 years ago, Crap? Jeff Lyons die less than 20 years ago or more than 20 years ago? A I dont know think it has been quite that long.  
 Q You say him in '66? A. Yes sir, long in the winter of '66  
 Q You dont know one year from another, do you? A. Yes ,I know.  
 Q What year is this? A This, I dont know just what, I never kept track of years, but '66 is all I know.  
 Q You have just been told it was '66 and you stuck to it? A Well, '66 we were all on trial at that time pretty much, in '66 everybody was making back home.  
 Q You were all tried here before the Kern Clifton Commission, everybody? A Well a good many of them.  
 Q What year was that in? A You are too hard f r i', I never kept track of the years.

Q Fact of the business is you never kept track of any of them? A. Not hardly, never paid much attention to it, went along on my business.

Q Who told you to say '66 here today? A. Nobody, but I know what '66 was years ago.

Q How many years ago was it? A. I disremember, I didn't keep track of it.

Q You cant count? A. No sir, cant count.

Q And dont know anything about the years of the calendar? A. Dont know a thing about it.

Q You remember about Jeff Lyons having his case tried down at Tahlequah a few years after the war when Mr. Bob Daniels was on the Court? A. I dont know whether he went over there or not.

Q You dont remember about that? A. No sir, seems like to me a lot of them went down there, but I dont know whether he was along there or not. Weren't you over there in the same neighborhood around with him? A.

I lived on Lynch's Prairie and they lived back on Mr. Thompson's place.

Q Where did you live in the first year after the war; did you make a farm on this Dr. Thompson place? A. No sir, no sir, I lived on the old Lynch place, ~~me and Lon Lynch and Stephen Henry~~ rented from Lon Lynch and uncle Bill Buffington, he lived over there by the Mills on Beatty's Prairie, I expect you knew him.

By Mr. Smith

Q When did you come back, or did you go out during the war? A. Yes sir, I went out.

Q When did you come back? A I cant back along in '65, the winter of '65

Q What was there about '66 that you are talking about all these being on trial, what do you mean by that? A Well, there was everbody that was reading the papers out there that we had all better return home, that we had a show to get home, the war was ceased and so on.

Q When were you to get home, or did they read anything to you in the papers about that? A. Yes sir they said we wanted to return home inside of '66.

Q And that is the reason why you remember '66? A. Yes sir.

Mr Hastings-

Q That is before you came back when you were up in Kansas that they were reading that to you? A. Yes sir, I first got hearing of it in Kansas.

Q You heard them saying up there, reading it in the papers, telling you to come back? A. Yes sir, that we all got to return home.

Q That was '66? A. No, it wasn't in '66, must have been along in '65 when they was reading it.

Q They were reading it in '65 before you returned, before you had come back in '65? A. They just said return back home, the treaty wasn't made then.

Q Then they wasn't reading if it hadn't been made? A. They were reading for us to come back home, that the treaty had ceased.

Q If you came back in a certain time? A. Yes sir, a certain time.

Q That was in '65 before you came back here; you came here in '65? A. Yes sir long in the winter of '65.

Q Have you ever been up before tje Courts for anything? A. What courts? Q Any of them; ever been arrested? A. No sir.

Q Never did? A. Feag I have been arrested.

Q For what? A. I was accused of murder once.

Q Ever arrested for anything else? A. No, nothing else.

Q Marshals or officers never had you any other time? A. No sir.

Mr. Hastings:

" Mr. Smith, I want to offer in evidence this judgment "

Mr Smith: (reads same )

" You can offer it, of course I object to it."

Mr Hastings:

"The Representatives of the Cherokee Nation offer in testimony from page 62 to page 63 of Minutes of Special Court of Commission, Supreme Court, 1871, records of the Cherokee Nation, and on page 62 is found: " Monday morning, June 5, 1871. Court met; Chief Justice R.B. Daniels and Associate Redbird Sixkiller present. There being no

cases ready for trial, Court adjourned till nine o'clock tomorrow morning. Tuesday morning, June 6, 1871." On this date, and on page 63 of the same book, appears the following: " Case of Jefferson Lyons and family. The Court decide from evidence they are debarred the rights of Cherokee citizenship under the Ninth Article of the Cherokee Treaty of July, 1866."

Mr Smith:

" Counsel for the applicant objects upon the ground that the entry offered is insufficient to show any judgment in any form and for the further reason that the Jefferson Lyons referred to is not in any way identified with the Jefferson Lyons who was the father of the applicant, and for the further reason that the applicant is not in any manner shown even by the said entry to have been a party to the proceedings now offered.

Commissioner:

" I suppose you acknowledge the authenticity of the record? "

Mr. Smith:

" I don't make any question about that. "

Commissioner: Ned Lyons applies for the enrollment of himself, his wife Nancy, and four children, Belsie, James E. Mahaley and Katie. He avers that he was married to one Mariah Landrum, now deceased, and that by said marriage he had one child Belsie, and the name of Mariah Landrum is found upon the authenticated roll of 1860, and the name of Belsie is found upon the Kern Clifton roll. He avers that after the death of his wife Mariah he married one Nancy Landrum, his present wife, and her name as Nancy Landrum is found upon the authenticated roll of 1860 and the census roll of 1860, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof as to residence, consequently Nancy Lyons, wife of the applicant, and their four children as enumerated herein will be listed for enrollment as Cherokee freedmen. In order to complete the enrollment of the three younger children, it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant Ned Lyons, will be listed as a Cherokee freedman upon a doubtful card, for the further consideration of the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail. His name is found as stated upon the Kern Clifton roll, as well as upon the Wallace roll, and he is duly identified thereby.

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 WASHINGTON, D. C.  
 1901

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.

(Signed) Bruce O. Jones.

Subscribed and sworn to before me this the 15th of May, 1901.

(Signed)

T. B. Needles,

Commissioner.

I, Chas. von Weise, upon 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 17th of July, 1901.

*[Signature]* *[Signature]*

Commissioners.

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

P. D. #251.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of NED LYONS  
as a Cherokee Freedman.

G.W. CLARK, being called as a witness on the part of the Cherokee  
Nation and being duly sworn by Commissioner T. B. Needles,  
testified as follows-

APPEARANCES:

Messrs Mellette & Smith, for applicant.  
Mr. W. W. Hastings, for Cherokee Nation.

By Mr. Hastings:

- Q What is your name? A. G. W. Clark.  
Q What is your age? A. 59 coming birthday.  
Q Mr. Clark, you lived in the Cherokee Nation before the war, did you? A. Yes sir, all my life.  
Q You went out of the Cherokee Nation during the war? A. Oh, I was occasionally in Arkansas, on the Arkansas line.  
Q You were in the army? A. Yes sir in and out of it.  
Q In the Northern army? A. Yes sir.  
Q Where were you mustered out? A. Mustered out Fort Gibson.  
Q Now where did you live the first year after the war, 1865? A I moved on the river; I lived here, my early days I lived at Tahlequah, Tahlequah district.  
Q In '65 where did you live? A The latter part of 1865; I went back there after I was married; I was married in Saline district, on Grand river, on the 8th day of June, and I moved up here and located on the west side of Grand river.  
Q And where did you live in '66? A I made a crop there in '66.  
Q Where did you live in '67? A In '67 I moved up the river from there; I moved there in the fall of '65 and left that place in the fall of '66.  
Q Did you know a colored man who went by the name of Jeff Lyons or Jeff Ross? A. Yes sir.  
Q Did he have a son by the name of Ned? A. Yes sir.  
Q And another one by the name of Elias? A. Yes sir.  
Q When did you first see him after the war? A '68  
Q How far did he stay from you? A. He staid about two miles, two or three miles down on the river, about three miles.  
Q Did you know him well? A Yes sir, well acquainted with old Jeff.  
Q Did you ever hire him? A. Yes sir, stacked wheat for me for years.  
Q You knew when he came back then? A He came back in the spring of '68 because he stacked wheat for me that year, and he was talking about coming back.  
Q You lived there for years afterwards? A. Yes sir.  
Q You know him well? A. Yes sir.  
Q He is dead now I believe isn't he? A. Yes sir.

By Mr. Smith-

- Q About how old is Ned, about now? A Well I dont know he ought to be a young man now, pretty good sized, he was boy like then.  
Q Well, how big a boy was he in '68? A Well, they was a small chunk of a boy; I have been to his place, near there a many of a time and



got him to work.

Q Which is the older Ned or Elias? A I dont know; I dont know as I know Elias.

Q Did he have any girls? A I think he had.

Q How many? A. I disremember, I know he had one; I dont know how many children he did have.

Q Well, cant you remember, you knew the family, how many members were there; cant you remember how many girls and boys there were? A I think there were four or five children.

Q You think there were more than these three? A Yes sir.

Q You are not certain about that? A. No sir, I am not certain how many his family got to be.

Q He lived close to you and worked for you; what is the reason you cant remember about how many he had? A I never mixed up with them; I just come to hire Jeff I never went there and mixed up with them; ~~just come to hire Jeff~~ just like you do at my place I never noticed

Q All you say about this is you cant tell which one is the biggest? A I dont know whether I could or not.

Q Cant you think which is the oldest Ned or Elias? A No sir, I dont believe I could, that is long off.

Q Well, you know all about exactly what you did? A Not everything I do.

Q I am not going to ask you now about what you do; you keep up with your moves, you know the dates that you made them and all about them afterwards? A No sir, I dont know the exact dates.

Q With regard to your own business; you know about in regard to other people's; you dont remember that far back? A. No sir.

Q It is right hard to remember what other people were doing 25 or 30 years ago? A. Yes sir, it is a pretty ~~long~~ long swear anyway; but I remember this old gentleman as much as anything else; me and him trafficed together; he brought a good mule with him down here and I swapped him a cow and kind a swindled him.

Q How much do you think you got away with him on that? A. I dont know

Q Well, now, Judge, if anything you may have heard about Jeff Lyons coming back after the war; you ~~cant~~ know when he came back? A Yes sir, I know he come back to the neighborhood and he said.

Q Well, outside on what he said, you dont know when he came back to the Cherokee Nation, A No sir.

Q You saw him first in 1868? A Yes sir.

Q You cant say of your own personal knowledge how long Jefferson Lyons had been back in the Cherokee Nation at the time you saw him in '68 can you? A I dont know exactly how to answer that.

Q You know what your personal knowledge is confined to? A. Well it is just like you, Mr Smith, I know when you came to Vinita, if you lived anywhere around Vinita, before that, I dont know.

By Mr. Hastings-

Q Now, Mr. Clark, I was going to ask you if your were telling the members of his family, while he lived there at his place? A What?

Q You were asked about the members of Jeff Lyons' family while he was living there? A Yes sir.

Q You remember how many of them were born before they come down there and remember how many were born afterwards? A No sir.

Q You dont remember how many he had when he come there? A No sir, I dont.

=====

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the 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. Hoedles,

COMMISSIONER.

\*\*\*\*\*

I, Chas. von Weine, upon my oath state that the foregoing is a full and complete copy of the original transcript.

*Chas. von Weine*

Subscribed and sworn to before me this 20th of July, 1901.

*[Signature]*

Commissioner.

*[Handwritten mark]*

( COPY )

To be filed with Nos. B-36, D-1328,  
F-251-D-252, D-253 and D-357.

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

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

APPEARANCES:

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

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

BY HASTINGS:

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

BY BROWN:

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

- About when? A I don't know at all, I couldn't tell you.
- Q Were they married when war come up? A I couldn't tell you that, I never saw them until after they come here.
- Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.
- Q Well now you say Andy Frye returned in '67? A '66.
- Q You said '67 awhile ago? A '66, if I said '67 it is a mistake '66 is when they returned; you say Mose Hardrick returned with him? A No, sir he didn't come with Andy.
- Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schrimsher returned to the Cherokee nation with Mose Hardrick? A No, sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
- Q Andy is on the 1880 roll? A Yes, sir.
- Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
- Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
- Q Well about how many weeks would you think? A I don't know.
- Q How many months? A Oh it would be to the best of my recollection it would be about 5 or 4 or 3 months, I wouldn't say positively because I don't know exactly.
- Q How did you fix the month in which Mose Hardrick returned to the Cherokee Nation? A How did I fix it?
- Q Yes, sir? A I don't understand what you mean by that.
- Q You said he returned in April or May? A I said as well as I remember it was April or May; it was after grass was up.
- Q You remember the grass being up? A Yes, sir.
- Q How does the fact that the grass was up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
- Q To a census taker? A Yes, sir, to a census taker; that was in '67.
- Q What month was that? A That was about June or July as well as I remember.
- Q They took a census in '67 did they? A I reckon they did, that's what they ~~said~~ said; they all went off; I couldn't say what they did.
- Q Who returned to the Cherokee Nation with Mose Hardrick?
- A Old man Jeff and my uncle.
- Q What is his name? A Tom Moore, and Uncle Butler McNair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.
- Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes, sir.
- Q Is he the Thomas Moore that lived up there now? A No, that is my brother.
- Q The Thomas H. Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.
- Q Were you a witness in this case before the Kern-Clifton Commission? A No, sir.
- Q Were you a witness in this case before John F. Wallace when the Wallace roll was made? A No, sir.
- Q You knew the same folks then that you know now didn't you?
- A Yes, sir.
- Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was.
- Q Your best judgment is it was '94? A I don't say positively.
- Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 26 years old I think.
- Q In what year was it born? What year was she born?

Q Yes, sir? A Born in '73 or '4  
Q About 26 years old now? A I thin she is; she aint quite 26; she ill be 26 her birthday.  
Q You don't know much about dates do you, Mr. Moore? A I don't know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.  
Q After you think you don't know much more about it then do you?  
MR. HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and nonsensical  
BY COMMISSION: Objection is sustained  
BY HASTINGS:

Q Now please in answer to a question a while ago from me you stated that Andy Frye come down with Mose Hardrick in the spring of '67? Did you intend to say that? A No sir, I didn't intend to say it, Andy Frye and uncle Tobe Scrinsher and uncle Peter Williams and them come down in the spring of '6, but Mose Hardrick didn't come with them; I didn't intend to say that, because I know that w sn't so.

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

BY BROWN:

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

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

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

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

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

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

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

Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question. That's why you stated it? A Time they come.

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

BY MR. HASTINGS:

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

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

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

"Delaware,

Colored Doubtful Roll."

Said book being labeled,

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

On the fly leaf of said book appears the following,

"Docket of applicants Cherokee Citizenship, 1871,

Honorable Chief Justice R.B. Daniel, W. H. Turner, Clark."

By BROWN:

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

BY COMMISSION: Objection will be duly noted.

BY HASTINGS:

The Cherokee nation offers in evidence the following:

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

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

"Decree adverse to claimant."

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

BY COMMISSION: Objection will be duly noted.

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

BY BROWN: Or no.

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

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

(Signed) D. Green

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

(Signed) T. B. Needles  
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

*Lucy M. Bowman*

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

*Charles H. Jackson*  
Notary Public.

To be filed with F. D-252.

F. D-251.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 19, 1902.

In the matter of the application of Ned Lyons for the  
enrollment of himself as a Cherokee freedman.

APPEARANCES:

Mellette & Smith for applicant.  
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of 1871, as it appears of record in the book entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," and found on one of the pages thereof, the same being numbered 7, at the top of the page is found Delaware colored doubtful roll, as follows:

"Jefferson Lyons. Too late, and family.  
Decided against defendants June 6, 1871."

MR. SMITH: The applicants object to the introduction of the above evidence for the reasons, first, that the same is incompetent, immaterial, irrelevant, and does not tend to prove any issue in this case; second, that the entry offered or alleged decision is insufficient in law to prove or tend to prove that any decision was ever rendered; third, because there is no proof that the Jefferson Lyons mentioned in said entry was in any way connected with the applicants herein, because said applicants were not the parties if there was any decision; and fourth, because it is incompetent to prove any entry of any record of the Cherokee Nation in the manner and form herein.

MR. HASTINGS: The Cherokee Nation offers this judgment for the purpose of showing that there was a free and full and fair investigation within five years after '66, when all the witnesses were alive who knew the time that these colored people returned to the Cherokee Nation, and the decision then by the Supreme Court of the Cherokee Nation was rendered against them, which should be binding upon this Commission.

MR. SMITH: The applicant moves to strike the last remarks of counsel from the record, being incompetent, immaterial and irrelevant

COMMISSION: This testimony will be filed in the following freedmen cases; Rachel Landrum, D-252; Elias Lyons, D-253, and in the case of Ned Lyons, D-251. It appears from the records of the Commission that the above named applicants are all represented by Mellette & Smith.

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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 proceedings in the above case, and that the above and foregoing is a true and complete transcript of his

F. D. 251 -2-

stenographic notes thereof.

(Signed) Arthur G. Croninger.

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

(Signed) P. G. Reuter  
Notary Public.

Seal

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

H. M. Vance

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

P. G. Reuter



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 citizenship as a Cherokee Freedman.

Applicant appears by Mellote & Smith; Cherokee Nation by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to have the certified copy of the decree of the Court of Claims in the case of Moses M. Pitt, Trustee for the Freedmen, vs The Cherokee Nation, No. 1720, filed in the Mariah Hayden case E. D. 491, 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, have a copy of the said decree be filed in this case and in the following cases, to-wit:

---

**Rachel Landrum, D 252;**

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings;

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

The Commission:

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

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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.

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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 applications of Ned Lyons and others, for enrollment as Cherokee Freedmen.

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O R D E R .

It is ordered that a copy of the testimony of Nelson Moore taken at Muskogee, Indian Territory, on February 5, 1902, in the application of Moses Hardrick, for enrollment as a Cherokee freedman, Case No. D-314, be filed with, and made a part of the record in the applications of Ned Lyons and others for enrollment as Cherokee freedmen, Consolidated Case Nos. R-36, D-1328, D-251, D-252, D-253, and D-357.

*T. B. Needles.*

Commissioner.

Muskogee, Indian Territory,

this     OCT 20     1904

A. F. No.

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

In the matter of the application for the enrollment of  
George Irons, et al., as Cherokee Freedmen, consolidating the ap-  
plications of:

George Irons et al.,	Cherokee Freedmen	R	36,
Bettie Hayes	"	D	27,
Richard Nero (or Irons) et al.	"	D	132,
Ned Lyons	"	D	251,
Rachel Landrum	"	"	252,
Elias Lyons, et al.	"	"	253,
Altha Moore, et al.,	"	D	357,
George W. Lynch, et al.	"	D	731.

DECISION:

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanna Irons for, among others, her husband, George Irons, step-children, Bertha and Bettie Irons, and stepgrandchild, Elenora Nivens; by Bettie Hayes for herself; by Ernest Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for, among others, himself, by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of W. V. and W. W. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 395, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 324, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Lettie Hayes and Richard and Nellie Nero (or Irons), are all children of one Nero Irons, deceased, that the said applicants, George Irons and Lettie Hayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Nellie Nero (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, of cuts Nos. 2173 and 2238, respectively, and have selected and accepted their allotment of lands in said Nation. The minor applicants, Bertha and Lettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents, that the said Winnie Irons, deceased, was born since 1860, and was the daughter of Jeff and Mahala Lyons, both deceased, and that the said Jeff and Mahala Lyons were two slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Elenora Vivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Irons, Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson J. Irons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant. In Cherokee freedman case No. 363, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 2, 1904 (Departmental letter I. T. O. 4226-24), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father, and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 181, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 23, 1904 (Departmental letter I. T. D. 8590-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee Nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental Letter I. T. D. 6968-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered--"I didn't see her at that time.....  
...I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McNair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January, 1867, and did not return to said Nation until sometime during the year 1875.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bertha Irons,

Bettie Irons, Elenora Nivens, Bettie Mayes, Richard Nero (or Irons), Mollie Nero (or Irons), Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons, Altha Moore, Oscar Moore, George W. Lynch, Rosetta Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby  
Chairman.

(Signed) T. B. Needles  
Commissioner.

(Signed) C. R. Breckinridge  
Commissioner.

Dated at Muskogee, Indian Territory,  
this APR 18 1905

Cherokee Freedmen R 541, 544, 546, 590  
70.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., MAY 24, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application  
for the enrollment of THOMAS MAYFIMID, ET AL., as Cherokee freedmen.

APPEARANCES:

per Applicants, Starr & Patten.

For Cherokee Nation, J. H. Davenport and L. R. Bell.

By Mr. Davenport:

The representatives of the Cherokee Nation desire to introduce the entry in the book of assessment for 1900, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

By Mr. Patten:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle.
8	Adams, Warren	3	60	1
Value	No. of Hags	Average value of all	Average Per. Property.	
22	1 Value 3	-----	17	
Total	Deduct Constitutional exemption			Remarks.
92	300			(Ditto) "Country"

Q Has this entry been changed, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.  
Q I wish you would examine the book which you have before you, and see if you find any assessment in 1900 of Nathan Buffin? A Yes, sir.



Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy, and that the above and foregoing is an excerpt copy of the record of proceedings had on May 24 and 25, 1906, in the matter of the application for the enrollment, as Cherokee freedmen, of Thomas Mayfield, et al., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo. H. Lesley

Subscribed and sworn to before me this 1st day of September, 1906.

Chas. E. Webb  
Notary Public.

Cherokee Freedmen R 574-536-643-  
557-599-631-579.  
Cherokee Freedmen R 36-D 47-1328-  
251-252-253-357-731.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., P. R. 574 et al., and GEORGE IRONS, ET AL., P. R. 36 et al.

APPEARANCES:

For Applicants, Starr & Patten.  
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The records of this office show that on April 5, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. W. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A J. W. Walters.  
Q Where do you live? A At Iola, Kansas.  
Q How long have you lived there? A Since the 19th of July, 1861.  
Q What is your age? A 62 the 5th day of last March.  
Q Were you a soldier in the Civil War? A I was.  
Q When were you mustered out of service? A The 19th of September, 1865.  
Q Where were you living in the year 1866? A I was living one mile north of Iola.  
Q Were you acquainted with a colored man in that neighborhood by the name of Moses Hardrick? A Yes sir, I was.  
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.  
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.  
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.  
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly inadmissible because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

- Q No I cannot say that I heard that he had left there. A I didn't see him and that is all I know about it.
- Q Didn't see him after that time? A No sir.
- Q Have you lived in that neighborhood ever since? A Yes sir.
- Q Have you seen him in that community since? A No sir, not until I met him here today.
- Q Do you know of there being a house built in that neighborhood known as the Dan Horville house a good many years ago? A Yes sir.
- Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quarried the rock for the foundation and cellar.

BY MR. HASTINGS:

- Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March, 1866? A I lost sight of him.
- Q Never made any inquiry and had no occasion? A No sir.
- Q And don't know what become of him? A No sir.
- Q Now there were a great number of people that you perhaps knew, 40 years ago that you don't know what become of them. Some went to one place and some others, and others may have remained there?
- A Yes sir, I think that might have been the case.

WITNESS EXCUSED.

FELIX LORANCE, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Felix Lorange.
- Q Where do you live? A I live in Elk County, Kansas.
- Q How old are you? A I am 58 years old last 31st day of April.
- Q Were you ever in the army? A No sir, I wasn't in the army.
- Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
- Q Did you know about that time a xx colored man by the name of Mose Hardrick? A Yes sir.
- Q Did you know Jeff Lyons? A I knew a darker called Jeff, for instance we called a negro named Jeff, we called him "igger Jeff."
- Q Did you know one named "igger Butler?" A Yes sir.
- Q And one named "igger Tom" or Tom Moore? A I knew Tom, but not his other name.
- Q Do you remember where Mose Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, north west corner of part of the year, he left there in the fall of 1866.
- Q Is this Mose Hardrick the same as the applicant in this case?
- A This man right here.

- Q You could identify him could you? A After I looked at him awhile, when he was there he wasn't lame or crippled up.
- Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
- Q Did he work there in the fall of 1866? A The first part of it.
- Q Where did Jeff Lyons live? A I don,t know
- Q Do you remember how long Mose Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
- Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
- Q What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
- Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
- Q In what year was it? A 1866.
- Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
- Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
- Q Do you remember when Dan Norville's house was built? A Well I was there, but I don,t remember anything about the dates at all. I didn't work on it any when it was built.
- Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don,t remember when it was built.
- Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
- Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
- Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1868.
- Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
- Q When did you return? A June, 1866.
- Q Was it that same year or different years these parties left?
- A That same year.
- Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
- Q The following year you farmed that ground? A Yes sir.
- Q When was that? A 1867.

BY R. HASTINGS:

- Q When were you married? A The first time in 1870.
- Q You were not married then? A No sir, I was just 18 years old. I was born in 1848.
- Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.
- Q You mentioned a man named Jeff and Butler and "Nigger Tom"? A Yes sir.
- Q Did they leave and come with him? A I never saw them afterwards.
- Q I asked did they leave? A I don't know, there was a bunch left at the same time? Wose left.
- Q You didn't have any knowledge about Jeff? you don't know where he lived? A No sir.
- Q Are you prepared to say he come off with Wose? A I don't know, there was a bunch left there.
- Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Wose or not.
- Q How about this man Tom? A I don't know anything about him.
- Q Did you ever see either of these after Wose left? A No sir.
- Q Are you certain of that? A Pretty so, I never saw one that I remember of.
- Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.
- Q Who directed your attention to it? A I don't know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.
- Q How long ago was it? A A couple of months, I expect since I saw him.
- Q Did you know Woses' wife's name? A I think her name was Patience.
- Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
- Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
- Q Do you know of the youngest one? A No sir.
- Q Do you know whether they were boys or girls? A I don't know that, he had a small family there? We lived in t air own house and we lived in ours.
- Q You never made an record of the date the left? A Nothing only memory from the time I come off of the plains.
- Q You don't know of his coming to the Cherokee Nation? A Never saw him from the time he left there.
- Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.
- Q Did Wose ever live on that Eastwood place west of the Neosho River? A I don't remember.
- Q Did he ever live on that Norville's place? A I don't think he did, but I don't remember.
- Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don't remember her.
- Q Did he have any children? A I don't know whether he did or not.
- Q Did you ever see Butler McWair's wife? A I don't think I did.
- Q Did he have any children? A I don't know.
- Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.
- Q When were you tell what Wose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience and us kids would kind of make a little game of it.
- Q If she did your washing you don't remember the children's names?
- A No sir.

- Q You don't know how many there were? A No sir.
- Q Do you know whether they were boys or girls? A I think the older ones were boys but I am not positive.
- Q How long did your father live, is he dead now? A He has been dead about 20 years.
- Q Was he living in 1872? A Yes sir.
- Q In 1876? A Yes sir.
- Q Who was living on your father's place in 1872? A He was there.
- Q Your father? A Yes sir.
- Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
- Q Did you ever go back there at all. A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
- Q You don't know who was there,--what of those years between then or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
- Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
- Q Who cultivated your farm? A I did myself, and sometimes had hired men.
- Q Who worked for you at that time? A I don't remember.
- Q It is mighty hard to remember these things? A Yes, unless you have got something to go by.
- Q You would not undertake to remember it? A No sir. I don't suppose I would remember these unless it was by my brothers coming out of the army and my going on the plains, and coming back.
- Q Suppose he says he come in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
- Q If he come in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
- Q You don't know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S      R E C O U R S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows;

BY MR. PATTON:

- Q State your name? A James L. Christy.
- Q Where do you live? A In Allen County, Kansas.
- Q Is that near Iola? A Yes sir, I live 11 1/4 miles northwest of Iola now.
- Q Were you enlisted as a soldier during the Civil War? A Yes sir.
- Q When were you mustered out? A August 16, 1864.
- Q Where were you living in 1866? A Two miles north of Iola.
- Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
- Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
- Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
- Q Did you know Butler McVair? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McVair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
- Q Where was Mose Hardrick living? A On a man's place named Loranca.

- Q How far was that from where you lived? A About a mile and a half.
- Q Did you see these people frequently? A Yes sir, with them every week.
- Q Do you know how long Mose Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Mose in 1865.
- Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Mose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
- Q When did they leave that community up there? A To the best of my knowledge sometime in October.
- Q What year? A 1866.
- Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
- Q Did they take their effects with them when they left, moved completely out? A I don't know, I know they rigged up in wagons, and whether they took all I don't know.
- Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
- Q How long did you live in that community continuously after that? A I guess I lived right there for 10 years.
- Q Did you ever see these people after that time you say they left? A No sir, I never did.
- Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
- Q Did you ever see them there a ter that time? A No sir.
- Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Mose Hardrick and some of those colored fellows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
- Q Did they say where they were going? A My understanding was to the Nation.
- BY MR. WASTINGS:
- Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
- Q Was that in January or February, 1866? No sir, it was in August.
- Q Why couldn't that have been in August, 1867? A Because I wasn't right at that place in August, 1867.
- Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
- Q What time in 1867 did you get married? A November, 1867.
- Q Then you were not married in August, 1867? A No sir.
- Q And you were not married in October, 1867? A No sir.
- Q Were you on your father's place? A I was on my father's place part of the time.
- Q How old did you say you were? A I didn't state but I will be 66 the 12th da of July.

- Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
- Q That was your head-quarters? A Yes sir.
- Q How you of course don't know where these parties went? A No sir.
- Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
- Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
- Q You state they all left together? A That was my understanding.
- Q You are as positive about one as the other? A Yes sir.
- Q What was Butler McNair wife's name? A I think it was Betsey.
- Q Did they have any children? A I don't think they did.
- Q What was Jeff Lyon's wife's name? A I don't know.
- Q Did they have any children? A I don't know.
- Q Were you ever at his house? A No sir, I don't know as I was at his house.
- Q Then you didn't see him when he was leading his wagon? A No sir.
- Q And you didn't see Butler McNair? A He had his wagon loaded.
- Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
- Q You don't know that? A I am not positive as to the date but I am pretty sure they all left together.
- 
- Q You are not positive as to the date but you are positive as to them leaving all together? A Yes sir.
- Q You didn't know Tom Moore's wife? A I have seen her.
- Q You don't know her name? A No sir.
- Q Do you know what place he lived? A ON Coover's place at Carlile.
- Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
- Q Well now did your father raise any wheat in 1867? A Yes sir.
- Q Did he raise some in 1865? A We tried to raise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
- Q Did you raise some in 1868? A Yes sir, I think we did.
- Q Did you raise any in 1869? A I think may be we did. We generally sowed wheat every year.
- Q Well did you? A We sowed every year.
- Q I mean did you have it sown on your place? A No sir, not on my place.
- Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
- Q Did he have some wheat in 1869? A I think he did.
- Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
- Q The same man? A No sir.
- Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate wisdom thrashed in there for 21 years.
- Q Do you know whether it was 1869 or '70? A I think it was 1869.
- Q Are you positive about that? A Yes sir, I am pretty positive.
- Q What time in 1869? A I think it was in the fall.
- Q You were not down at Mose Hardrick's when he left? A No sir, but I was there several times and heard of his leaving.
- Q You heard of his leaving? A Yes sir.
- Q Didn't see him leave? A No sir, didn't see any of them leave.
- Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they were going and I sold Tom Moore a span of penies to come with just a few days before they left.



- Q But you don't know whether he and Mose came together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbolt.
- Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case come up---
- Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
- Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
- Q What other of these people have you talked with? A I don't know, I don't know any of them but Mose.
- Q Talk with Mr. Starr? A Yes sir.
- Q When? A This morning the first time I ever seen him.
- Q Who did you talk with up in Kansas and who got you to come here? A Well the man I talked with up in Kansas was Parrymore.
- Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up--
- Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
- Q And the rest of you witnesses talked it over coming down here? A Well I didn't talk it over. Only two come with me.
- Q Who? A A man named Morse and a man named Byrd.
- Q Do you know any of the hands that helped you thrash in 1867? A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
- Q Who was that? A John Walter.
- Q Who helped you in 1866? A Why John Walter I guess.
- Q Are you positive about that? A Well we always changed work.
- Q You had been in the habit of changing work are you positive you changed that time? A Well I don't know for sure.
- Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
- Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
- Q If he testified he come in the spring, it was some spring after that? A He was mistaken, not that spring.
- BY MR. PARKER:
- Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
- Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
- Q You speak on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
- Q Did that instance help to refresh your memory? A Yes sir.
- Q In what way? A In the year that he tanned them. I knew what year it was.
- Q How do you happen to recall that instance of him tanning those hides for you? A Well after he got them tanned he took them all away and I never get but one little hide.
- Q Did he take them all away? A Yes sir.
- Q You remember you lost your hides? A Yes sir.
- Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
- Q You speak on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On Behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.

Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:

Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Mose Wardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1863,-- no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the brig and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring. Q And it was the next year after they damaged it the grass hoppers were bad up there that Mose left? A The last grass hoppers were there in the spring along--

Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.

Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.

Q Didn't hurt your crop in 1866? A No sir, it was in 1865.

Q But any how it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTER:

Q Do you remember when the Dan Horville house was built? A Yes sir.

Q What year was it built in? A In the spring of 1866 they commenced it.

Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:

Q How far from Iola was the Dan Horville house? A It is a mile and a half from the center of the square.

Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.

Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.

Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.

Q Now out in that neighborhood? A Wasn't any settlement up there then days.

Q When was the first house built there? A Old Lyman Howe built the first house east of there.

Q When was that? A In the fall of 1863.

Q What I am trying to get at there was nothing to impress it on your mind of anybody building a house around there? A Well yes I know, there was a lot of houses built around there.

Q You mean to sit up here and tell when those houses were built without anything to fix it on your memory? A I am the oldest settler in that country.

- Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
- Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
- Q Why then was the Dan Norville house? A He built the finest house in the country.
- Q Well didn't there lots of fine houses around in that country.
- A Yes sir, there's now, but he built the first.
- Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C E P T E D .

J. C. THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A J. C. Thomas.
- Q What is your age? A 64.
- Q What is your post office? A Iola.
- Q Kansas? A Yes sir.
- Q How long have you lived in or around Iola, Kansas? A Ever since 1864.
- Q Where were you living in the spring of 1865? A I lived at Iola, near there, right in a half mile of the town.
- Q What direction from town? A West of town at the mill.
- Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
- Q By what name did you know him? A By Jeff.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A Mahala, she done my washing until I was married.
- Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing? A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
- Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
- Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
- Q Did you get a deed to that farm? A Yes sir.

MR. Starr. Mr. Hastings we want to have a notation made of this deed.

Mr. Hastings: I have no objection whatever,

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described therein to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29, 1865. The deed is returned to the witness.

Q Now where was Jeff and Mahala at the time you bought this place?

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Coulson's place.

- Q How far was that from where you lived? A On part of the place, there was a lot out off o his place.
- Q How long did you continue to live at that place? A From 1866 until the spring of 1866.
- Q Then where did you move? A On to this place.
- Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowhorn place.
- Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
- Q What became of Jeff and Mahala after that? A I don,t know sir, I haven't seen them since.
- Q How long did they continue to live there after that, after you moved on to this other place? A I don,t know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
- Q Did they leave that part of the country in 1866? A

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

- A I never see them after that, don't know where they went.
- Q Never saw them since? A No sir.
- Q Now what was your understanding as to ~~the~~ where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will benoted.

- A My understanding was that they come down here. I asked why they left there so quick, I didn,t think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:

- Q You don't know who you talked with? A No sir.
- Q And you don't know of your own personal knowledge when they left? A No sir, I don't.
- Q You cannot begin to testify and you arenot going to testify? A No sir.
- Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
- Q And you don't know whether they left that spring, or summer or when? A No sir.
- Q All you remember is that you didn,t remember of seeing them after you moved? A No sir.

W I T N E S S E S EXCUSED.

ELIZABETH THOMAS, being first duly sworn testified as follows:

BY MR. STARR:

- Q What is your name? A My name is Elizabeth Thomas.
- Q What is your age? A I am 64.
- Q What is your post office? A Iola, Kansas.
- Q How long have you lived in or around Iola, Kansas? A Well since 1866, the fall of 1866.

- Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there about 100 yards.
- Q Are you acquainted with a colored man named Jeff Lyons in 1865?
- A Yes sir.
- Q Did you know his wife Mah-la? A Yes sir, she lived there close.
- Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
- Q Did you know them there in 1866? A I never saw them until here.
- Q When did you leave the place? A In the spring of 1866.
- Q Did you see them around there after the time you left? A Yes sir, before we left.
- Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
- Q Now when was it that they came to the Cherokee Nation? A Well sir---

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On behalf of the Commissioner: The objection will be noted.

- A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
- Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:

- Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn't go with them.
- Q You didn't see them when they left there? A We went from that vicinity.
- Q Did you see them when they left? A No sir.
- Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
- Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
- Q Didn't you say you didn't see them after the spring of 1866? A I don't think I did.
- Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? The folks--

On behalf of the Commissioner: Answer his question, yes or no.

- A I didn't know that they were coming down here.
- Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
- Q Now you are determined to say that? A Well it is just hearsay, the same as our neighbors, everybody knows:
- Q Who lived on your place in 1867? A We lived there ourselves.
- Q Did you have any tenant? A No sir.
- Q Did you have any one in 1875? A No sir.
- Q Have you ever had one since? A One year we moved off our place and moved to a mill and run a mill that one summer.
- Q What time did you move on this place in the summer? A In the spring, the first of March.

- Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
- Q You don't know where they were of your own personal knowledge?
- A No sir.
- Q Did they have any children? A Yes sir, one.
- Q What was its name? A It's name has slipped my mind.
- Q Boy or girl? A Boy.
- Q About how old? A Well I would judge he was 5 or 6 years old, I don't know that is just guess work.
- Q They only had one that you know? A The only one that was with them, I have been told that she had older children that were not with her.
- Q That had only one there and it was 5 or 6? A Yes sir.
- Q That was Jeff and Mahala? A I don't know, it was called theirs.
- Q Do you know where it was born? A No sir.
- Q Did they have any born while there? A No sir.
- Q You know that? A Yes sir, I know that.
- Q This one you knew is 5 or 6 years old? A I judge it was.
- Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY THE STAFF:

- Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

- Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.

- Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possibly be put.

On Behalf of the Commissioner: The objection will be noted.

We have never lived on but one place, we live right where we moved when we went to housekeeping.

- Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
- A To the best of my knowledge it was.

BY MR. HASTINGS:

- Q Was it a month after you moved on your place? A It was more than a month.
- Q Two months? A I think it was that, well this Jeff just tended a crop that year.
- Q You don't know this? A I know the had to hire another hand, they said Jeff was gone.
- Q In making that crop? A Yes sir.
- Q Making a crop of corn? A Yes sir, a mixed crop I guess.
- Q That is what you recollect about it? A Yes sir, I wasn't on that place, I just seen the family once in a while.

WITNESSES EXCUSED.

On motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A.M.

On June 2, 1906, in pursuance of continuance heretofore had in this case, the hour of 3:45 A. M., having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A R. J. Morris.
- Q Where do you live? A Iola, Allen County, Kansas.
- Q How old are you? A Past 61.
- Q How long have you lived there? A A little bit over 60 years.
- Q Were you a soldier in the Civil War? A No sir.
- Q Did you know a man by the name of Mose Hardrick, a colored man about war time? A Yes sir.
- Q When did you first become acquainted with him? A Personally acquainted with him in 1864, we were out together in Price's Raid, there is where I got personally acquainted with Mose.
- Q Did you continue to know him after that time? A I did for a year or two.
- Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Torrance.
- Q Where were you living at that time? A Two miles northwest on Deer Creek.
- Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
- Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Mose in town.
- Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Mose.
- Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
- Q Did you know Butler McHair? A Yes sir.
- Q Where did these other people live, Jeff Lyons, where did he live? A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
- Q Was that close in the neighborhood where you lived? A Probably five miles.
- Q Where did Butler live? A On Deer Creek about 4 miles from me.
- Q Where did Tom live? A ON Geover's place, a mile north of where Butler lived.
- Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
- Q And where did they go, if you know? A I don't know, they left there and said---they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
- Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
- Q And about how long before you were married did they leave? A A year.
- Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
- Q Do you know when the Dan Morville house was built up in that community? A I couldn't say as to that, it was built in the early days.
- Q You don't know what year? A No sir.

BY MR. HASTINGS:

- Q It is pretty long to remember when people's houses were built around there? A Well I will tell you that was about the finest house put up in that country then.
- Q But you cannot remember? A No sir, I couldn't say what year.
- Q You would not like to say from an independent memory? A No sir.
- Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.
- Q You perhaps knew there was a colored man by that name? A Yes sir.
- Q You don't know the members of his family? A No sir.
- Q You don't know anything about the members of Tom Moore's family? A I knew his wife, a girl Rose, an adopted girl.
- Q How old was Rose? A She was just a little bit of a girl.
- Q About what age? A Probably 7 or 8 years old.
- Q Well now what place did Tom live on? A On Grever's place.
- Q About how far was that from where you lived? A About 4 miles.
- Q Well was that settlement around Iola pretty thickly settled? A Yes sir, tolerable.
- Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.
- Q You made no note or nothing of that? A No sir.
- Q You are just testifying from your own independent recollection? A Yes sir.
- Q And these people, you could be mistaken as to the time you last saw them? Yes sir, it is possible.
- Q You are not going to state it here and swear positively as to that? A Only as to my recollection.
- Q You have no record guide you? A No sir.
- Q And the same is true of Butler McNair? A Yes sir.
- Q And of the others you have testified? A Yes sir, I would not attempt to say positively.
- Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.
- Q It is possible you could be though? A Yes sir.
- Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there before I was married.
- Q You have not nothing that connects your marriage with them? A No sir.
- Q They didn't attend your marriage or anything of that kind? A No sir.
- Q I mean did work for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.
- Q Well I know, you often times thought have help around there? A They would have been there at the wedding.
- Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.
- Q As I understand you these were colored people living there in the country that you knew? A Yes sir.
- Q You knew a great many there, colored people there? A Yes sir.
- Q And these people dropped out of your sight about the time you indicated? A Yes sir.
- Q You are not going to testify as to where they went to? A No sir.
- Q You never saw them in the Cherokee Nation until recently? A No sir.
- Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground.



- Q Might for aught you know? A Yes sir, we might meet in the happy hunting ground.
- Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
- Q That is all dropped out of your sight? A Yes sir.
- Q You were not there when either of them left? A No sir.

BY MR. PATTEN:

- Q You were more particular acquainted with Mose Hardrick? A Yes sir, Mose more particularly.
- Q Are you pretty positive to the best of your judgment it was in the fall of 1865? A Yes sir, that is my judgment that they left there in the fall of 1865.
- Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being heresy.

On behalf of the Commissioner: The objection will be noted.

- A They were coming back home, back to the Territory, that was my understanding.

WITNESS EXCUSED.

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Calvin Ross.
- Q How old are you? A 67 next spring.
- Q Where do you live? A Iola, Kansas.
- Q How long have you lived there? A I have been there ever since the war.
- Q Did you know Mose Hardrick during the war? A Yes sir, I knowed him.
- Q Did you know Jeff Lyons? A Yes sir.
- Q Did you know Butler McNair? A Yes sir.
- Q Did you know Tom Moore? A Yes sir.
- Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
- Q Did you go up there with them? A Yes sir.
- Q Were you in the Territory here before the war? A Yes sir, raised right over here on the Grand River.
- Q Did you go to Kansas with that party up here? A Yes sir.
- Q Where were you living in the year 1865 after the war? A Up there.
- Q Where? A Iola.
- Q How far from Iola? A Right in town.
- Q Do you know where Mose Hardrick was living then? A Yes sir.
- Q Where? A On the Lorraine place.
- Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
- Q Do you know where Butler and Tom were living? A I don't exactly know, I know they lived on Deer Creek there.
- Q Do you know when Mose Hardrick and Jeff Lyons left the community up there? A Yes sir.
- Q When did they leave? A Along about '66, along about the fall like.
- Q Do you remember about what month, or what time of the year?
- A Well it was fall of the year, latter part of August somewhere along there.

- Q That was in the year 1866? A Yes sir.
- Q Where did they go, if you know? A Well they started down here, they said to the Nation.
- Q Have you lived in that community almost every since? A Yes sir.
- Q Have they ever been up there since? A I haven't seen them, never saw 'ose until yesterday.
- Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross? A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
- Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. ASTINGS:

- Q You are the same man that applied here for citizenship? A Not in this court.
- Q Yes to this Commission? A When?
- Q Well are you? A No I aint applied for anything in this court here.
- 
- Q Did you ever apply? A I did in the Wallace court.
- Q About four years ago? A No sir, not 4 years ago.
- Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
- Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
- Q Who were your witnesses? A Why old man John Martin.
- Q Did you draw money from the Wallace Court? A Didn't get nothing, not five cents.
- Q Did you make application to the Kern-Clifton Commission in 1896? A No sir.
- Q Did you live in Iola, in the town of Iola? A Yes sir.
- Q Where did 'ose live? A On the Lorraine place north of town, northwest.
- Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
- Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit run out.
- Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the latter part.
- Q Did Butler McNair leave at the same time? A Yes sir, he and Tom Moore.
- Q All of them go? A Yes sir.
- Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
- Q You never come in 1866 yourself? A No sir.
- Q What was the first time you come here after the war? A Time of the Wallace Court.
- Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
- Q Did you apply for it? A I went in to enroll and they-----
- Q Did you get on? A Yes sir, they said I was on it.
- Q Did you get any money? A No sir, they took my name off.
- Q You don't know what year that was? A No sir.
- Q Are you married? A I have been.
- Q What year were you married? A '70

- Q What were you doing up until 1870, you never was married? A  
What was I doing before I married.
- Q Yes, were you working up there? A Yes sir.
- Q What kind of work were you doing? A Anything I could get to  
do. Nothing special, anything I could get to do.
- Q Were you ever here after you come to make application before the  
Wallace Court? A I have been down on a visit, that is all.
- Q What year was that? A I was down here last year.
- Q What was the next year after the Wallace payment? A I didn't  
keep any record, might have been 4 or 5 years, I think about up  
until last fall, I guess it had been about 6 years.
- Q Do you remember the exact year you were here? A No sir.
- Q You don't know about those dates? A No sir, no learning at all.  
I am no scholar.
- Q Can you sign your name? A No sir.
- Q Can't read nor write? A No sir.
- Q You are a colored man? Yes sir, I am colored.
- Q You were a slave yourself? A Yes sir.
- Q To whom did you belong to? A Lewis Ross.
- Q Where is that other Calvin Ross up there? A He lives at Vinita
- Q Did he used to live at Iola? A Yes sir, I suppose he did.
- Q Don't you know? A Yes sir.
- Q Did Hardrick have some children up there in Kansas? A Yes sir,  
I think he had some.
- Q How many did he have? A I don't know that. That is something  
I never paid any attention to, him nor anybody else.
- Q Did Butler McHair have any children? A Well I don't know that.
- Q Well did Jeff Lyons have some? A Yes sir, he had some, I recol-  
lect a couple of girls; that was his wife's children.
- Q What were their names? A One named Peggie and An-na-ki, by a  
man named Ike.
- Q Did Jeff have any children by her? A Yes sir, he had children  
by her.
- Q Up there? A Yes sir.
- Q How many and what were their names? A Just one is all I know.  
It was young when he left, I don't know the name of him now.
- Q Don't remember his name? A No sir.
- Q Have you lived continuously in Iola ever since? A Yes sir.
- Q In the same town? A Right there in town, been nowhere else.
- Q Were you in the army? A Yes sir.
- Q After you were mustered out you just lived continuously in Iola?  
A Yes sir, right there.
- Q Is the wife you married in about 1870 living? A Dead.
- Q When did she die? A She has been dead about 12 years I believe
- Q Do you remember the year she died in? A No sir.
- Q You don't remember? A No sir, I don't know anything at all  
about such things.
- Q You don't know anything about dates? A No sir.
- Q You don't remember the date she died? A No sir.
- Q You are not going to testify about dates? A No sir.
- Q You are unlearned and cannot read nor write and are not going  
to testify as to exact dates? A Nothing like that I don't  
know.
- Q Did you have some children born to you? A No sir.
- Q Never had any children at no time? A No sir, never did.
- Q You are just testifying now from independent recollection?  
A What I tell is what I recollect.
- Q But you have just said you cannot read nor write and don't know  
anything about dates? A No sir, I cannot read nor write.
- Q And you said you don't know anything about dates? A Well I  
know about back in 1866, about that time I know that because that  
was the second year after I come home from the army.

- But you don't know what year your wife died? A No sir, I don't know that.
- Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
- Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between those years, 1866 to 1870? A Well I don't know that that is.
- Q Do you know anything occurred in 1875? A I don't know that.
- Q Do you know anything occurred in 1880? A I never paid attention to such things.
- Q Do you know anything occurred in 1882? A No sir, I don't recollect any such things like that.
- Q When were you asked to testify in this case? A I was up at Iola.
- Q Who come to see you about it? A I don't know the man.
- Q Well who was it? A I don't know but he was---I guess you all know his better than I do.
- Q Who subpoenaed you to come down here? A Why it was a Government man, he said he was doing Government business.
- Q Did he say he was a Deputy Marshal? A Yes sir.
- Q Did he tell you that? A We didn't tell me but I heard some of them say, he told me he wanted me to come down.
- Q Did he read a subpoena to you? A No sir, he didn't read anything.
- Q Did he say he had one? A He didn't tell me that neither.
- Q What was his name,--Darrymore? A I don't know.
- Q Yes that his name never heard the man's name called.
- Q But without knowing who it was or anything about him, you come? A Yes sir, I don't know anything about his name, he never told me his name at all, he told me what day to come.
- Q What year is this? A 1887 I believe.
- Q Are you certain? A Last year was 86 and this year is 87.

WITNESSES BY COURT.

JOE DAVIS, being first duly sworn, testified as follows:

- Y . . . TARK:
- Q What is your name? A Joe Davis.
- Q What is your age? A 31 going on 32.
- Q What is your post office? A Vinita.
- Q Are you acquainted with the applicant Jesse Hardrick? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Did you know Butler McFar in his life-time? A Yes sir.
- Q Did you know old man Tom Moore? A Yes sir.
- Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tablequah District, right where Saline and Tablequah join.
- Q When was the first time you saw the applicant Jesse Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
- Q Where was he when you saw him? A Over there on Spring Creek.
- Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
- Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime of the first of February.
- Q January 1867? A Yes sir.
- Q Where was he? A He was up on the River on the old Dr. Thompson place where Wimer Thompson lives now.
- Q What was he doing there? A He was living there.

- Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
- Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
- Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January, 1867? A Yes sir, ever since to my recollection.
- Q Never has lived anywhere else? A Not as I know of.
- Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
- Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
- Q In the Dr. Thompson house? A Yes sir, in that house.
- Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there working there.
- Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:

- Q How old are you now? A 51 years old, going on 52.
- Q You were just a boy then? A Yes sir.
- Q How old were you then? A I suppose I was, I don't know about 11 years old, 10 or 11.
- Q You were a slave yourself before the war? A Yes sir.
- Q What is your wife's name? A Belle Davis.
- Q What was her maiden name? A Belle Bains.
- Q Is she an applicant for citizenship? A She was born and raised in Texas.
- Q Is she an applicant for Freedman citizenship? A Yesir she is an intermarried, she is a State woman.
- Q Were you ever married before? A No sir, this is the first one I ever married in my life.
- Q Where were you living in 1866? A Well sir I was living at two different places. I was living up there on Grand River, there is where I settled, I moved from Fort Gibson up there.
- Q When did you go from Fort Gibson? A Sometime in the summer.
- Q On whose place? A Our own place.
- Q Who was with you? A My Uncle.
- Q Who was he? A William Tucker.
- Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.
- Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
- Q Did Jeff Lyons have any children with him when you saw him?
- A Well I don't recollect, there were some children, I think he did though.
- Q Did Mose Hardrick have any? A Yes sir.
- Q How many? A I don't recollect, had several of them, --Jeff Lyons, lets see---
- Q I am asking about Mose now? A Well he has had so many children I don't recollect.
- Q Well at that time? A Yes sir, I think he did.
- Q How what children did he have? A I know of one, Eliza.
- Q Did he have any others? A Yes sir, two or three more there.
- Q What were their names? A I don't recollect--there was Josiah.
- Q He had him there when you first saw him? A No sir, he didn't have him then.
- Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
- Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
- Q What was the next one? A Well I don't recollect, he had several children.

- Q How many did he have? A I said I don't know.
- Q Don't recollect that? A No sir.
- Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
- Q You don't tell about that? A No sir, had two or three, 3 or 4, there were lots of children there.
- Q You were only a boy yourself, you would have known children?
- A Yes sir, that is how come me to know them, I played with them
- Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I don't recollect all of them.
- Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
- Q You didn't belong to the same people these people did before the war? A No sir, but I knowed them.
- Q You were only 5 or 6 years old during the war? A Yes sir.
- Q You were born in 1855 or 1856? A Born the 27th of March 1856.
- Q Was Tom Moore at this Thompson place? A Yes sir.
- Q Did he have a wife? A Yes sir.
- Q What was her name? I don't recollect.
- Q Was she there? A I can't recollect.
- Q You cannot recollect, it has been so long ago? A No sir.
- Q Where did you live in 1867? A On Spring Creek.
- Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
- Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
- Q Where did you live in 1869? A On Cabin.
- Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Call it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
- Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
- Q Were you down there in 1866? A Yes sir, I think I was there in 1866, come around by there.
- Q Who cultivated that place that year? A I don't recollect.
- Q Do you know who cultivated it in 1870? A No sir.
- Q Do you know who cultivated the Bob Daniels place in 1866? A No sir.
- Q Do you know who cultivated the Lynch place in 1866? A Which one of the Lynch's places.
- Q Ion Lynch place, belonged to his father? A No sir I don't. You see I didn't live up there with them people at all.
- Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with the..
- Q Are you certain you saw Butler McNair up there at that time?
- A Yes sir,--well I won't be positive.
- Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I won't be positive about Butler McNair
- Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
- Q Now lets commence again, what children did Mose Hardrick have up there at that time? A I know he had Eliza.
- Q The others? A It seems he had a girl, I forget, I know he had two or three
- Q Was Moore living there at that time? A Yes sir.
- Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
- Q What others lived there, now named them all? A I have named all I recollect of.

- Q How lets go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn't be positive to state but all of them people were living in that house.
- Q It is a long time to testify about. A Yes sir.
- Q And you don't want to be positive about that? A Yes sir, I am positive I saw Uncle Moss Hardrick there because I knew him so well.
- Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Moss Hardrick's children.
- Q Well who else? A I seen Aunt Sallie Lyons.
- Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was like Moore's mother.
- Q What was her name? A I think it was Aunt Sallie.
- Q You knew her before the war? A No sir, I used to run with like Moore, I knew him, raised with him and went with him.
- Q His mother was named Sarah? A Not Sarah, I think it was Sallie it has been so long I forget, --- o whala that war it.
- Q Who told you? A I just happened to think of it.
- Q You just heard one of those boys back there say it, didn't you?
- A No sir, but that was her name.
- Q Who was living there then? A Yes sir.
- Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactl. except old Uncle Moss and them people I know personally a long while.
- Q You are ready to testify about them. A Yes sir, you too.
- Q But you are not ready to testify what children one had? A Yes sir, I can testify to that.
- Q Give them here? A I cannot give them all.
- Q Then you are not ready to testify? A Yes sir, I am about Klisa Hardrick.
- Q Did he have any others. A Yes sir, two or three more.
- Q What were their names? A I don't recollect it, --there was C.
- Q Was there at that time? A I don't recollect whether Cy was there at that time. I knowed Uncle Moss had two or three children but that was Klisa, she was the oldest.
- Q What I am trying to get at, you say Moss had some two or three other children there at that time and I am asking you the names of any of them except Klisa, that was there in January, 1857?
- A I don't recollect the names.
- Q But you know he had them. A Yes sir, I know he had them.
- Q Was he living up stairs or down stairs? A I don't recollect that.
- Q Do you remember who was living up stairs? A No sir.
- Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
- Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
- Q You don't know who was living there on the Lynch place, Lon Lynch's father? A No sir, I didn't live up in that country.
- Q You don't know who lived on the Johnson Thompson place? A No sir I don't it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
- Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
- Q You couldn't say that? A No sir.

Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.

Q When did you know of his living there,--lots of time you knew of a man living there but not personally acquainted with him?

A Well I would know,--I knew he was living there along in '70.

Q That was the first time you ever saw him there, that is what I was asking you? A I don't recollect.

Q You don't recollect that? A No sir.

Q How far is the Johnson Thompson place from the Dr. Thompson place?

A Well I don't know that, it isn't very far though.

Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the river and the Johnson Thompson place on the other.

Q What side of the river is Dr. Thompson place? A On the east side.

Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.

Q And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.

Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

Q STATEMENT OF THE COMMISSIONER.

Q Are you related to Mose Hardrick? A None at all sir.

Q Are you related to Jeff and Mahala Lyons? A No sir.

Q Mike Moore? A No sir.

Q How far did you live from them before the war, Mose Hardrick? A It was, I expect 30 miles.

Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time that I seen Uncle Mose.

Q Where was it? A He was up there at our place.

Q Do you remember what year it was? A Yes sir, I think I do.

Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.

Q He was at your place? A Yes sir.

Q Was any one there with him? A Yes sir, several of them.

Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Invis, my mother and Charley Davis.

Q What were they doing there? A Well I don't recollect.

Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.

Q Do you remember him being at your place before that time? A Yes sir.

Q Can you name another time he was there before this? A Yes sir, I can recollect him ever since I have been big enough to recollect.

Q The last time you remember seeing him before the war was in 1860?

A Yes sir, somewhere along there, '50 or '60, about the time the war commenced.

Q Do you know where he went from your place? A No sir, guess he went back home.

Q Did you see him any more until you say you saw him in January, 1867? A Yes sir.

Q When? A I seen him sometime along in December of 1866.

Q Did you see any other freedmen up there about that time? A Yes sir.

Q Name them? A Well I cannot name all. There was several of us.



- Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Mangrove and our family and Uncle Mous Mangrove.
- Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
- Q You were how old then. A About 10 or 11 years.
- Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime just before Christmas.
- Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.
- Q Could you read and write at that time. A No sir.

BY MR. STARR:

- Q About this Bob Daniels place, how many Daniels places were they around that country? A I don't know, I aint very well acquainted with the Daniels place.
- Q Were you very well acquainted with this Lon Lynch place in 1867? A No sir; I wasn't around there very much at that time 15 or 16 miles from there.

BY MR. HASTINGS:

- Q Was Hose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
- Q You don't have any idea about that? A No sir, I couldn't say I didn't live within 40 miles of him.
- Q You don't know whether he had a wife before the war or not?
- A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

W I T N E S S E S E X A M I N E D .

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTER:

- Q State your name? A Willis Bird.
- Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 16; that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Ponderable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearing are not required previous to the introduction of such witnesses.

On behalf of the Commissioner: The records of this office show that under date of June 1, 1906, there was received a letter from Messrs. Starr & Matter, Attorneys in this case, dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Dixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the office of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to set on the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.O. 4771-1906), in the cases of Thomas Layfield, et al., in view of the advice to the Attorneys and of the Department's direction to this office in the Layfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants object.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PARTS:

- Q State your name: A Jennie Downing.  
Q How old are you: A About 54 years old.  
Q What is your post office address: A Catala.  
Q Where were you living in the latter part of the year 1866? A The latter part.  
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.  
Q Are you a duly enrolled Cherokee Freedman? A Yes sir.  
Q Were you out of the Cherokee Nation during the war? A Yes sir.  
Q When did you return? A Returned back here in 1866.  
Q Who did you come back with? A With Andy Frye, my Uncle.  
Q How were you acquainted with Moses Hardrick before the war? A No sir.  
Q When was the first time that you remember of seeing Moses Hardrick after the war? A I remember seeing Moses Hardrick after the war was down at the old Johnson Thompson place.  
Q Which side of the Grand river is that place on? A It is on the east side.  
Q Did you know Jeff Lyons about that time? A Yes sir.  
Q When was the first time you saw Jeff Lyons after the war? A At the same place.  
Q About what time was that? A It was in the winter time.  
Q Of what year? A 1866.  
Q About what time in the winter? A About Christmas time, just little after Christmas. I ain't positive, a little before or after Christmas.  
Q That is when you saw Jeff Lyons? A Yes sir.  
Q And did he move over on that Thompson place? A Yes sir.  
Q Did Moses Hardrick move over there before or after Jeff? A After Jeff, he was there first.

- Q How long after Jeff Lyons moved on that place did Mose Hardrick move there? A I don't know.
- Q Was it a long time or short time? A It wan't so very long after he come I don't suppose. I would not be positive just how long.
- Q Did you know Mike Moore? A Yes sir.
- Q Did you know Cynthia Lynch? A Yes sir.
- Q Did they have a school anywhere in that neighborhood about that time? A Yes sir.
- Q Where did they have that school? A At old Johnson Thompson's place.
- Q Who taught it? A Cynthia Lynch.
- Q What time? A In the spring.
- Q Do you know about when that school started? A No sir, it was in the spring.
- Q Did Mike Moore go to that school? A Yes sir.
- Q Did you? A Yes sir.
- Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

- A Yes sir, Mike went there then.
- Q And that was when? A That was in the spring.
- Q Of what year? A '67 or '66, '67 I think it was.
- Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
- Q When was that? A In March.
- Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
- Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
- Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.
- BY MR. HASTINGS:
- Q Mose Hardrick ever lose any other children? A Any of his children.
- Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
- Q After that? A Just before or after that.
- Q What year did the other one die? A I don't know.
- Q Don't have any idea about that? A No sir, I don't know.
- Q You don't know whether it was one year before, or two years after? A No sir, I don't.
- Q It may have been 5 years afterwards? A I couldn't tell.
- Q You have got no idea about that? A No sir.
- Q You had no education before this, you couldn't read and write at this time? A No sir.
- Q You would not like to be positive about this like that? A No sir.
- Q Did Mose Hardrick lose any children? A Not that I know of.
- Q Did Jeff Lyons ever lose any? A Not that I know of.
- Q Did Nels Moore ever lose any? A Not that I knew of.
- Q Did anybody else in that country ever lose any? A Not at that time you speak of.
- Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children die?
- A They had some to die.
- Q Who? A I don't know, Mose Hardrick might have lost some too.

- Q Well how long afterwards? A I couldn't tell you.
- Q Don't you know the date Mose lost his children? A No sir, I don't.
- Q But they were after that time? A Yes sir, I suppose they were.
- Q Well how long did you live there in that neighborhood after that?
- A Why we moved ~~from~~ from there, we didn't live so long awhile before we moved away.
- Q About how many years? A I guess it was a year, or it may have been a little longer.
- Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
- Q Probably two years? A Yes sir, before we moved away from there.
- Q How far did you move from there? A I don't know.
- C In the same neighborhood? A No sir, we moved on the Filmore Hicks place.
- C How far from this Thompson place? A I don't know just how far?
- C About 5 or 6 miles? A Yes sir, I guess it was.
- Q Do you know what year you moved down there? A No sir, I don't.
- Q How long did you live down there? A About two seasons.
- Q Do you know what year you left down there? A No sir.
- Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
- 
- C Were you married afterwards or were you married at that time?
- A Married afterwards.
- Q What year were you married? A I was married in, I would not be positive, I was married in '74.
- C You would not be positive about that? A I think it was.
- Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '98 or '96, something like that.
- Q That is when they made the Wallace Roll? A I think it was.
- C Now when did they make the Kern-Clifton roll? A I disremember, I wont be positive about that.
- Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
- Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
- Q In that same year of 1880? A I think they paid off money that year.
- Q What time of the year? A I don't remember.
- Q You don't recollect it? A No sir.
- Q Don't know whether it was spring, fall, summer or winter? A No sir.
- Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
- Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
- Q Don't you have any idea? A No sir.
- C Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
- Q He was afterwards a merchant up there? A He was?
- Q Wasn't he? A I suppose so.
- C Don't you know that? A They say he was a merchant.
- Q Didn't you ever see him? A I saw him at a distance but never went to his store.
- Q Didn't you ever know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
- Q How far were those two places apart? A They are not very far apart, the river is between them.

- Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
- Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
- Q Don't have the slightest idea about it? A I would have a slight idea but that would not do me any good to tell it.
- Q What is your judgment about it? A I don't know, I couldn't tell you.
- Q You have not no judgment at all about it? A When he returned? Yes? A No sir, I have seen him.
- Q How did Mose come down there? A I couldn't tell you.
- Q You don't have any idea? A No sir.
- Q Did he have a wife? A Not when I saw him.
- Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
- Q As much as 3 or 4? A I don't know.
- Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
- Q How many years after that before you saw his wife and family?
- A I guess probably a month, or two or three months when I saw his family.
- Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
- 
- Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
- Q When did you leave the Dr. Thompson place? A I don't know.
- Q How long after Christmas? A Quite awhile.
- Q Two or three months? A I couldn't tell just when it was we left that place.
- Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
- Q There on the Thompson place? A Yes sir.
- Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
- Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
- Q That was after you left the Thompson place? A Yes sir.
- Q Then that was after March? A I suppose so, when I saw his wife.
- Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
- Q Anybody else with him? A Nobody with him when I saw him.
- Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
- Q Where did he come from? A Come from across the river when he come there.
- Q He wasn't living in that house? A No sir, not the first time.
- Q He wasn't living there until after you left? A After we left he moved there.
- Q Anyhow up until the time you left and you stayed there until after March, 1877, he never lived in that Dr. Thompson house?
- A No sir, he wasn't there when I left, I suppose he moved in after we left.
- Q Well you never saw Jeff Lyons there at all? A Yes sir.
- Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
- Q Did he have his wife? A Yes sir.
- Q The first time you saw him? A Yes sir.
- Q Where were they living? A Right there on the same place.
- Q On the Thompson place? A Yes sir.
- Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
- Q That was Jeff? A Yes sir.
- Q What was Jeff's wife's name? A Patience.

- Q That was Jeff Lyons' wife? A Mahala I mean.  
Q Now you say it was Mahala, you see her? A Yes sir.  
Q Did you see Butler McHair there? A No sir.  
Q You didn't see Tom Moore? A No sir.  
Q They never come there while you were at the Thompson place? A No sir.  
Q Now if I recollect right, you lived there at the Thompson place until after they started school there and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.  
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:

- Q How old are you? A I am 54 years old.  
Q Your post office Catale? A Yes sir.  
Q Are you a Cherokee freedman? A Yes sir.  
Q Have you got any children? Yes sir.  
Q What are their names? A Louvina Downing, Henry, Walter, Maggie, and Lydia.  
Q Are they enrolled with you? A Yes sir.  
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.  
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

W I T N E S E X C U S E D .

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Bean.  
Q What is your age? A 60.  
Q What is your post office address? A Chaffee.  
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.  
Q Did you know Jeff Lyons in his life time? A Yes sir.  
Q Did you know his wife, Jeff's wife? A Yes sir.  
Q Where were you in the year 1866? A I was down here.  
Q Down where? A Down here in the Nation.  
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.  
Q You were in the Horse Creek fight? A Yes sir.  
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight, as well as I remember.  
Q Where was he then? A He was there on Grand River.  
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.  
Q How long after the Horse Creek fight was it when you saw them?  
A I don't just remember how long it was, a month or such a matter, maybe have been longer.  
Q It may have been a month or six weeks after the Horse Creek fight?  
A Yes sir.

BY MR. HASTINGS:

- Q Where did you see them? A At the Mr. Thompson place.
- Q They were living there with their wives? A No sir, I didn't see their wives.
- Q Didn't have their wives? A Not over there.
- Q How long did you stay there? A Just a very short while, about two or three hours.
- Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
- Q No? A I am positive it was the same time right after the Horse Creek fight.
- Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know the date when it was.
- Q You were a slave? A Yes sir.
- Q You couldn't read and write at that time? A No sir.
- Q You didn't have any education at all? A No sir.
- Q How many years afterwards before you saw Moses' wife, as many as two or three years? A No sir.
- Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw her in the fall, along about ----
- Q As early as October? A Yes sir.
- Q Well, it was before it got cold weather? A Yes sir, when I first seed her.
- Q The leaves were not dead on the trees then? A About, just about the first frost.
- Q But you didn't see Moses' wife? A No sir, not at that time.
- Q Was he living here at that time? A Don't know as he had, I don't think he had.
- Q You don't think his family was there? A No sir, I don't know as it was.
- Q Did you know Moses before the war? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
- Q You didn't see Jeff Lyon's wife? A No sir.
- Q Make any inquiries about her? A No sir.
- Q Did you know her before the war? A Yes sir.
- Q What year was the Wallace roll made? A I don't just remember.
- Q You are not good on dates anysa? A No sir, I aint good on remembering, picking up everything.
- Q Old slaves don't remember these dates very well? A Old slaves remember one thing in this country, about when 'o was.
- Q You all remember 1860? A I do.
- Q You all know you have got to testify as to 1860? A Yes sir.
- Q And that has been talked to you for 10 or 11 years? A Yes sir.
- Q It was talked to you when the Wallace roll was made? A Yes sir, before that.
- Q What year were you married? A I don't remember, never kept no record of it.
- Q Have you got any children? A Yes sir.
- Q Do you know what year the first one was born? A No sir.
- Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
- Q You don't know when your second child was born do you? A No sir, I don't remember.
- Q How many did you have Joe? A I believe I have got 14.
- Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
- Q So you don't know about any of the dates of their birth? A I don't remember.
- Q Did you ever lose any children? A Yes sir.
- Q Was it your oldest one? A No sir.

- Q You don't remember what year it died, do you? A No sir.
- Q Did you lose more than one? A Yes sir.
- Q How many have you lost Joe? A 8.
- Q You have lost 8? A Yes sir.
- Q You don't mean you have got 14 living? A No sir.
- Q Had 14 all together and have lost 8? A Yes sir.
- Q Do you know the year any one of them died? A No sir.
- Q You don't know any of those years do you? A Yes sir. I don't really, keep track of none of the years now, but I had to keep track of 'em.
- Q That is all you kept track of? A That is all I tried to keep track of.
- Q Who came to you and talked to you about testifying in this case? A Nobody.
- Q Nobody never talked to you at all as to what you would testify? A I don't remember any person.
- Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
- Q Well now you are positive about that? A No sir, I ain't positive about it.
- Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Moss, I believe it was. I was asked if I would testify in his case.
- Q When did you see Moss, yesterday? A I saw him yesterday and I saw him sooner.
- Q When did he first talk to you about testifying in this case? A It has been about two months ago.
- Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
- Q And you don't remember how long it was after you first saw Moss before you saw his wife? A No sir, I don't remember how long it was.
- Q May have been two or three years? A No sir, it wasn't that long.
- Q May have been a year? A I don't think it was that long.
- Q You are not going to be positive about that? A No sir, I won't be positive.
- Q How long was it before you saw Jeff's wife after you saw Jeff? A Saw the about the same time.
- Q The two women? A Yes sir.
- Q Did they have any children then when you first saw them? A Yes sir.
- Q Now what children did Moss have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
- Q Did Jeff have any children? A Yes sir.
- Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
- Q How far did you live from the Dr. Thompson place? A 8 miles.
- Q Were you ever up there after October? A Yes sir.
- Q When was the next time you were up there? A It was -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
- Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Corn was up pretty good.
- Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
- Q Did you see her there when you were there the first time? A I don't remember.
- Q Did you see Wels Moore? A I don't remember seeing him.



- Q Did you see Tom Moore? A I don't remember.  
Q Did you see Butler McNair? A No sir.  
Q On whose place did you live 8 miles south? A I stayed on Crap Lynch's place.  
Q Was Crap down there at that time? A Yes sir, he was on the old---  
Q Arsenie place? A No sir, it is the old Landrum place. Charles Landrum.  
Q Did you know Johnson Thompson? A Yes sir.  
Q Was he living up there just across the river from this Dr. Thompson place? A I didn't see him.  
Q Did you see him the next spring? A No sir.

BY MR STARR:

- Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.

- Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever testified in this case before? A No sir.  
Q How far do you live from Mose Hardrick now? A 40 miles I reckon.  
Q Have you lived that distance from him for the last 5 years?  
A Yes sir.  
Q Have you seen him frequently during that time? A Yes sir, I have seen him.  
Q Did you see him a number of times when the Commission was making the Cherokee roll out in camp? A Yes sir.  
Q Did you ever say anything to you at that time about getting you to testify for him? A No sir.

W I T N E S S E X C U S E D .

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A Zep Downing.  
Q About how old are you? A About 56 years old.  
Q What is your post office address? A Catale.  
Q Where were you living in the winter of 1866? A I was living On Grand River.  
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.  
Q Did you know Jeff Lyons before the war? A Yes sir.  
Q Were you acquainted with Butler McNair? A Yes sir.  
Q And Tom Moore? A Yes sir.  
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the something long after February, '66, something like that.

- February, 1866. A Yes sir, as near as I can come at it, along in the winter.
- Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
- Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
- Q Where did you see him? A I saw him up there at the Thompson place.
- Q What Thompson place? A Dr. Thompson place.
- Q Did you ever go to school there? A Yes sir, I went to school there.
- Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
- Q When was that school going on there? Something along near that time or little after, along about that time.
- Q About what time? A February or March, something along there.
- Q Now that was February or March of what year? A '66, that is as near as I can come at it.
- Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
- Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
- Q When was the first time you saw Mose Hardrick? A It was some time shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been along in the latter part of that month, but it was shortly afterwards, it was in the winter.
- Q Were they moving in there or living there? A They were moving in.
- Q Do you know where they were moving in? A They were coming from across the river.
- Q You say that that was in February, or about February I believe, 1866? A Yes sir.
- Q Did that follow the year 1865 or was it,-- I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
- Q That followed then the Christmas of 1865? A Yes sir.
- Q That followed the fall of 1865? A Yes sir.

BY MR. TASTINGS:

- Q Can you read and write? A No sir.
- Q Never could read? A No sir.
- Q You were a slave yourself? A Yes sir.
- Q Did you know Jennie Downing, who was on the stand? A Yes sir.
- Q She is your wife? A Yes sir.
- Q Where were you living at the time you say you saw Jeff Lyons first? A I was living down in the bottom below old Dr. Thompson place.
- Q How far? A About 3 miles.
- Q Did you see Andy Frye up there at that time? A Yes sir.
- Q Did you see Vels Moore up there? A Yes sir.
- Q That was the same time you saw these people and it was about the last of February? A Yes sir.

BY REVIVAL OF THE COMMISSIONER:

- Q Is Jennie your wife now? A Yes sir.
- Q Do you live together? A Yes sir.

BY MR. PATHEV:

- Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

- Q Now which was it? A Which?  
Q When did you move on that Thompson place or in that neighborhood where you were living? A In '65.  
Q What time of the year? A Along in the fall. My father was already living there.  
Q Were you out of the Cherokee Nation during the war? A Yes sir.  
Q You're certain that that was February 1866, and not February 1867? A It was February '66.

W I T N E S S E X C E P T I O N .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Thomas H. Moore.  
Q What is your age? A 55.  
Q What is your post office? A Ketchum, I.T.  
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir.  
Q Did you know Jeff Lyons in his life time? A Yes sir.  
Q Did you know Mike Moore? A Yes sir.  
Q Did you know Butler McFair? A Yes sir.  
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.  
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.  
Q Where were they located? A One is on the south side of Grand River and the other on the northwest side of Grand River.  
Q Do you know where the Dr. Thompson place is located? A Yes sir.  
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.  
Q Now where is the other one? A I would call it on the north side the way the river runs.  
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.  
Q Did you see Jeff Lyons any time after the close of the Civil war? A Yes sir.  
Q Where did you see him? A At the Dr. Thompson place.  
Q When was that? A In the winter of '66.  
Q What time in the winter? A Sometime along after Christmas.  
Q How long after Christmas? A A short time.  
Q Well about what month was it? A About in January I reckon.  
Q Where was he then? A He was up at this Thompson place.  
Q Did you see Moses Hardrick? A Yes sir.  
Q When was that? A He lived at that Thompson place too.  
Q What place did he live on? A He lived on the same place.  
Q That is on Dr. Thompson's place? A Yes sir.  
Q When was it you saw him there? A It was along that same spring and winter.  
Q What kind of a house was there on that Dr. Thompson place? A Brick house.  
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.  
Q Who else? A Moses Hardrick lived in one.  
Q Who else? A Jeff Lyons lived there.  
Q Any one else? A Tobe Schriener.  
Q Who else? A Peter Williams.  
Q Butler McFair there? A Yes sir, and Uncle Tex lived there.  
Q What time was it that Andy Frye went into that house? A In the fall.

- Q Of what year? A '66.  
Q He lived there that winter did he? A Yes sir.  
Q How was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.  
Q Was there any school taught there? A Yes sir.  
Q Who was the teacher? A Mrs. Lynch now, she was---  
Q What is her first name? A Cynthia Lynch.  
Q Did you go to that school? A Yes sir.  
Q Do you remember Mike Moore, whether he went to that school or not? A Yes sir.  
Q When did he go to that school? A That spring of '67 as near as I can remember.  
Q Did he go all of the session? A Yes sir.  
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.  
Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.  
Q When did you see Butler McNair around there? A That was some time in the early part of that same spring, they were farming there all making crops there.  
Q Did Butler McNair have his wife with him when he come down here? A No sir, I don't think he did.  
Q When did she come? A I don't know.  
Q Did you ever see her? A Yes sir.  
Q When? A Why later, after that.  
Q Good while afterwards? A Yes sir.  
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.  
Q When did she come? A I think the next fall after he made a crop.  
Q Did he go back to Kansas an' get her? A Yes sir.  
Q Where did Butler McNair move when he left the Dr. Thompson place? A Down the river some place to the old home place where he used to live.  
Q Where did Tom Moore go to from there? Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:

- Q What year were you born? A 1851.  
Q You was just a boy then at the close of the war? A Yes sir.  
Q You were a slave were you? A Yes sir.  
Q Could you read or write when the war closed? A I couldn't very much, have learned a little since then.  
Q I said when the war closed? A No sir.  
Q Did Andy Frye have any children to die besides Harvey? A I don't know.  
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.  
Q How long after Harvey died? A I don't know.  
Q Two years or 10? A I don't know.  
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.  
Q Do you know who dug the grave? A I wasn't there. I was at the burying.  
Q About the other children? A I was at the burying when they buried Joe.  
Q Was he a girl or boy? A He was a man.  
Q Do you know when he died? A I don't know the year.  
Q But you were at his burial? A Yes sir.  
Q You were there in the neighborhood where he died? A Have been there all my life.  
Q You don't know who dug that grave? A The neighborhood dug it there no certain person.

- Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
- Q What were their names? A Got one dead named Winnie.
- Q Now who dug these graves for Mose Hardrick's children? A Why all the neighborhood, the men around there.
- Q You don't know who did it? A Just all of us.
- Q No particular one? A No sir, whole lot of us.
- Q What year was it? A Somewhere awa back yonder in them days.
- Q Can you come in 10 years of when either of them died?
- A This girl when she died she was about grown, and I guess it has been about that long since she died.
- Q It has been about that long? A May be longer, I don't know.
- Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
- Q Didn't keep any record of these dates? A No sir.
- Q Are you related to Mose Hardrick? A No sir.
- Q Are you related to Jeff Lyons? A No sir.
- Q Are you related to these Moore children? A Yes sir.
- Q Do you know Mike Moore? A Yes sir.
- Q What kin is he to you? A Yes sir.
- Q You knew his mother Mahala? A Yes sir.
- Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
- Q Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
- Q What is your best judgment? A About 8, maybe 10.
- Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
- Q You don't know what year he was born? A No sir.
- Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
- Q What place did you come to? A Stopped at Johnson Thompson place.
- Q How long did you stay there? A About four weeks.
- Q Then where did you go? A Moved across the river to the Rob Daniels place.
- Q Was that across the river? A Yes sir, on the south side of the river.
- Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
- Q Where did you come to from there? A Fort Gibson.
- Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
- Q Stayed there from the winter of 1866 until the spring of 1867?
- A Stayed there until the spring of '66, until the winter of '66 to the spring, then we moved back.
- Q Then you remained in Fort Gibson until the spring of '66?
- A No sir, we were up-----
- Q How long did you remain in Fort Gibson? A Stayed there,--We remained there a couple of months maybe a little longer, I don't know.
- Q Well what time did you go there? A Went there that winter, winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
- Q To the Rob Daniels place? A Yes sir.
- Q Which Rob Daniels place did you move to? A The one on the east side of the river.
- Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

- Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
- Q Did you make a crop there in the spring of 1866? A Yes sir.
- Q Where were you in the spring of 1867? A There on this same place.
- Q Did you make a crop there in the spring of 1867? A Yes sir.
- Q When did Bob Daniels come back? A In the fall of '66.
- Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
- Q About what month? A I don't know what month.
- Q What was Bob Daniels' wife's name? A Ann Daniels.
- Q Did he have any children? A Yes sir.
- Q What were their names? A One, Dick, Tommy, Isaac.
- Q Mrs. trout one of them? A Yes sir.
- Q She was up there when you moved out? A Yes sir, and Susie was one of them.
- Q They moved in there in the fall of 1866 when you moved out?
- A Yes sir.
- Q About what month was that? A It was in the fall.
- Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
- Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
- Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
- Q What time was it Jeff come there? A In the winter.
- Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
- Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and the others?
- A They were all living there.
- Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
- Q Well now you moved out of the Bob Daniel house in the fall of 1866? A As near as I remember.
- Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
- Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
- Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place? A Yes sir, a little bit of a house.
- Q A log house or cabin? A Yes sir.
- Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
- Q When you saw Jeff and his wife and Mose Hardrick and Mose's wife, is that they way of it, along about Christmas time? A They all lived there before that.
- Q Haven't you swore that you never saw them until the winter? A I saw them the winter of '66.
- Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
- Q Now don't the fall come before winter? A Yes sir.
- Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that: Them people were all living there before we moved out.
- Q You moved out of the house in the fall of 1866? A Yes sir.
- Q You are a half brother of Mike, are you? A Yes sir.
- Q Are you any kin to Wels? A Yes sir.

- Q Have you and Nels been discussing the case? A No sir.
- Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
- Q Were you not? A I don't know.
- Q Do you deny talking about it? A No sir, might have been talking about something else.
- Q This same man Nels is a witness here? A Yes sir.
- Q You have talked about it? A Yes sir.
- Q You and Andy Fry have talked about it? A Yes sir.
- Q Are you married? A Yes sir.
- Q Certain of that? A Yes sir.
- Q I am glad you are certain of something. What year were you married? A Married in '91.
- Q Was that the first time you were ever married? A Yes sir.
- Q Then you lived single up until that time? A Yes sir.
- Q Just went from place to place up there? A No sir.
- Q Do you know when the Wallace roll was made? A Yes sir.
- Q What year? A Made in 1889.
- Q Who told you? A I was there.
- Q Did Gale Starr tell you today? A No sir, I was there.
- Q Has he ever told you? A Has he?
- Q Yes, in the last few days? A No sir, he didn't tell me.
- Q Has it ever been discussed? A No sir, I don't know nothing about it.
- Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
- Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
- Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
- Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
- Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
- Q Then where did you go? A Right where we have been living ever since.
- Q How far is that from them? A About three miles.
- Q What direction? A Why it is northeast.
- Q What time did you move up there, what time of the year? A We moved up there in the spring.
- Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
- Q It is a long time ago ain't it Tom? A Yes sir.
- Q You were a small boy at that time? A Yes sir.
- Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
- Q So you might be mistaken about it? A Yes sir.
- BY MR. STARR:
- Q When did you say you were born? A '51.
- Q You were about 15 years old at that time? A Yes sir.
- Q Now was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall--
- Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
- Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
- Q Where were you living when Harvey Frye died? A Living where I live now.

- Q Well now at this time that Harvey Frye died were you going to school at this Dr. Thompson place? A Yes sir.
- Q Was Andy Frye and his family living in the Dr. Thompson house then? A Yes sir.
- Q How about the school when Harvey died, did they teach school that day? A No sir.
- Q Turned out school on that occasion? A Yes sir.
- Q Did the pupils going to school attend the funeral? A Yes sir.
- Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to ~~the~~ school.

BY MR. HASTINGS:

- Q That was after you moved off of the Bob Daniels place? A Yes sir.
- Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
- Q About how long after that? A It was along in February, that spring, the spring of '67
- Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
- Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:

- Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

WITNESS EXCUSED.

SIMON LYNCH, being first duly sworn, testified as follows;

BY MR. PATTON:

- Q What is your name? A Simon Lynch.
- Q How old are you? A 76.
- Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:

- Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
- Q Convicted? A Yes sir.
- Q Served your time? A No sir, I didn't.
- Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No, sir, I went there and stayed about a hour and I was reprimed.
- Q Didn't you work it out for individuals and you worked for Johnson Thompson at Tahlequah? A I was reprimed by the Chief.
- Q Did you ever swear that before on the stand? A No sir, but I was.
- Q What year was that? A I don't know what year it was.
- Q Was it since the war? A Yes sir.
- Q How long after the war? A I don't know.
- Q Don't have any idea? A No sir.
- Q Was it after the Cherokee Jail was built or before? A Afterwards.
- Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
- Q How long were you sentenced down there? A Year
- Q What Judge tried you? A I forget what one it was.
- Q What Chief reprimed you? A Ochelata.



BY MR. PATTON:

- Q You testified I believe didn't you in the Wayfield that you were pardoned by Ochelata? A Yes sir.
- Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
- Q Were you acquainted with Butler McNair? A Yes sir.
- Q Jeff Lyons? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know when was the first time you saw Mose Hardrick after the close of the war, about the time? A I don't know exactly the time.
- Q When was it and where was it? A Upon Grand River.
- Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
- Q Where was he living? A Living over there at Dr. Thompson place right close there in a house.
- Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
- Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
- Q That was about when did you say? A Just while before Christmas.
- Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that on different sides of the River? A Yes sir.
- Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
- Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
- Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
- Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
- Q That was in what year? A That was in '66, winter of '66.

BY MR. WASTINGS:

- Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
- Q You don't know what year you were reprieved? A No sir, I don't I can't keep no record of that, never did, couldn't.
- Q Couldn't do that? A No sir.
- Q You don't know one year from another, do you? A Yes sir, I do.
- Q Can you read and write? A No sir.
- Q You were a slave yourself? A Yes sir, I was.
- Q Do you know this Tom Moore that was on the stand awhile ago? A Yes sir.
- Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place there on the river with his mother and father.
- Q Did he move out of there in the fall of 1866? A Who?
- Q Tom Moore? A I don't just know when he did move out of there.
- Q You don't remember about that? A No sir, I lived at another place.
- Q How far did you live from there? A About four miles.
- Q Were you married then? A Yes sir.
- Q Have you had any children born since? A Yes sir.
- Q Since then? A Yes sir.
- Q When was the first one born? A I don't know that.
- Q How many have you had born since the war? A Three, I believe.
- Q When was the second one born? A I don't know, I can't tell you.
- Q When was the third one born? A I don't know that either, never kept no record of no time.

- Q Did you ever have any renters on your place? A Yes sir.
- Q What renter was on there in 1883? A I don't know.
- Q What renter was on there in 1876? A None one, myself.
- Q Was any there in 1896? A Yes sir.
- Q Do you know when Bob Daniels come back up there? A Yes sir.
- Q When? A I don't know when it was, I know he come back up there.
- Q On the Bob Daniels place? A Yes sir.
- Q Why don't you know when it was, you were in that neighborhood?
- A I can't keep no record of anything of that kind. How is I know how old I am is about my owners putting it down.
- Q That is about the only date you know? A No sir.
- Q You know what year Johnson Thompson come back up there? A I know when he first come.
- Q What year did he move up there? A I don't know, I seen him when he first come.
- Q What year did he move his family up there? A I don't know.
- Q You were just acquainted with him before the war? A Yes sir, knowed him good.
- Q He moved right across the river from Mr. Thompson's place? A Yes sir.
- Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
- 
- Q Could you tell within two or three years of when he come? A No sir, I don't believe I could.
- Q You couldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.
- Q What year was it that Tom Moore moved off the Bob Daniels place?
- A I don't know.
- Q Haven't any idea about that? A No sir.
- Q Well was Butler McVair living there at the same time you first saw these people? A We come in about the same time.
- Q Before Christmas, 1866? A Yes sir.
- Q What was Butler's wife's name? A We didn't bring her there with him, he left her in Kansas and come down here and made a crop.
- Q What was her name? A I forget her name.
- Q Did Jeff bring his wife? A No sir.
- Q Left her in Kansas did he? A Yes sir.
- Q Left Mike in Kansas too? A I don't recollect about Mike.
- Q You don't never remember seeing Mike? A Yes sir, I do.
- Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
- Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
- Q Well how long after Jeff and Wose come before they brought their families? A After they made a crop, the next fall.
- Q When did Tom Moore bring his family? A Fetched them together.
- Q In the fall? A Yes sir.
- Q So none of them didn't bring their families until the next fall?
- A Uncle Butler didn't, the balance did.
- Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn't bring their families.
- Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
- Q What was her name? A Mahala.
- Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
- Q Did you ever see him after that? A Yes sir.
- Q How long after that? A I don't recollect.

- Q A y ar? A It might have been a year and it might not.
- Q When did you see Moses family? A I seen them right along all the time ever since in the fall.
- Q Did he have his wife with him? A Yes sir.
- Q Did Mose live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.
- Q He never lived in a main house there? A I don't know nothing about that.

WITNESS EXCUSED.

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Tobe Bean.
- Q What is your age? A About 70.
- Q What is your post office? A Wetchum.
- Q What is your citizenship, are you a citizen of the Cherokee Nation?
- A Yes sir.
- Q Where were you in the fall of 1866? A Down here on Grand River.
- Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
- Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
- Q Acquainted with Mose Hardrick? A Yes sir.
- Q Did you know Mike Moore? A Yes sir.
- Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil War? A About in '67.
- Q What time? A In February.
- Q Where was he at that time? A Over there at that Thompson place in the brick house.
- Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.
- Q Did you see Mose Hardrick over there? A Yes sir.
- Q When was that? A The same time I saw Jeff.
- Q What time was that? A In February.
- Q What part of February? A Along about the first of the year.
- Q The first of February of 1867? A Yes sir.
- BY MR. HASTINGS:
- Q Tobe you were a slave before the war? A Yes sir.
- Q Your name is Tobias Bean? A Yes sir.
- Q You never went to school any? A No sir.
- Q You didn't at the close of the war know one year from another?
- A Only people would tell me.
- Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
- Q Never kept any record? A No sir.
- Q And you haven't kept any record of this transaction? A No sir.
- Q You are just testifying independently of any record? A Just what I know.
- Q Did you know young Tom Moore who has testified in here today?
- A Yes sir.
- Q Where was he living when you first saw Jeff Lyons and his wife?
- A Over there on the other side of the river.
- Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
- Q On the Dr. Thompson place? A Yes sir.
- Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Prye's house.

- Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
- Q At what place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
- Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
- Q What was his step-father's name? A Lewis Rowe.
- Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
- Q When was that? A Must have been in '67.
- Q What time of the year? A Along in the spring I guess.
- Q Had he moved out of this place before you saw Jeff Lyons and Mose Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
- Q Just happened over there by accident? A I had some business there.
- Q You saw Jeff's wife? A I don't think I did.
- Q Never saw Mose's wife there? A No sir.
- Q It has been a long time ago hasn't it Tobe? A Yes sir.
- Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
- 
- Q Have you had any children born since the war? A Yes sir.
- Q What year was the first one born? A In '66.
- Q What time in 1866? A In April.
- Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '60 I think.
- Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
- Q When was the next one born? What year? A '78 I think.
- Q Which comes first, '78 or '80? A '78.
- Q Well I thought you said just now the one born in '80 was first? That one was born,--the girl was born in '80, the boy was born about '71.
- Q Now how far is the Johnson Thompson place from this Dr. Thompson place? A A couple of miles the way you go around.
- Q Just across the River aint it? A Yes sir.
- Q When did Johnson Thompson come back? A I don't know.
- Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn't live right close to where he lived.
- Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
- Q You didn't see Mose's wife when you went p there? A No sir, not the first time.
- Q How long was it that you did see his wife? A It was a way along in the spring.
- Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
- Q Now you just remember of your own independent recollect of seeing this fellow when you passed there? A I stopped and talked with him.
- Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
- Q Who else that didn't live there? A Uncle Lewis Rowe.
- Q Up at the Dr. Thompson place? A Yes sir.
- Q Live there? A No sir, I just went there and stopped and saw him there.
- Q In 1867? A Yes sir.

- Where were you going? A Up to Andy's.
- Q I thought you said you were passing there? A I did pass there.
- Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
- Q Don't you know Vose and his wife was living in the house then?
- A No sir, I never went in the house.
- Q Did you see Tom Moore and his wife there, old Tom and his wife?
- A I don't recollect seeing them.
- Q Didn't recollect seeing Butler and his wife? A No sir.
- Q You don't recollect that? A No sir.
- Q You testified before the Commission at Chelsea on June 12, 1901; in the matter of the application of Ben Adams didn't you? A Yes sir.
- Q You testified that his father's name was Warren Adams? A Yes sir.
- Q You testified that his mother's name was Ibbie? A Yes sir.
- Q And you testified they then returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
- Q Will you what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
- Q What time did you say you saw them? A In the early spring.
- Q What month? A In March.
- Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, about the latter part of '66." "They have this child Ben with them when they returned?" Answer "Yes sir." "Where did they go up on Grand River," "How do you know they returned in 1866," Answer, "I saw them," I will ask you if you didn't testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
- Q You can say yes or no? A It was '67 I testified to.
- Q You swear you didn't say it then? A Well I swear it---
- Q And you don't know when Bob Daniels come back? A No sir.
- Q And you don't know when Johnson Thompson come back? A I was living down the river.
- Q The locate within a mile of this Mr. Thompson place? A Yes sir.
- Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of these things like you folks.
- Q Who asked you first to testify in this case? A Don't know who. I have been testifying ever since Bob Daniels court.
- Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
- Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
- Q Bob Daniels was an educated man? A Yes sir.
- Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

WITNESSES BY CROSS EXAMINATION.

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McHair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Nelson Moore.
- Q What is your age? A Will be 53 my birth day.
- Q What is your post office? A Ketchum.

- 5 --
- Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
- Q Were you acquainted with his wife? A Yes sir.
- Q What was her name? A Mahala.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Are you acquainted with the applicants, Althe and Oscar Moore? A Yes sir.
- Q Who is their father? A Mike Moore.
- Q Are you acquainted with Butler McVair? A Yes sir.
- Q Acquainted with his wife? A Yes sir.
- Q Acquainted with Tom Moore? A Yes sir.
- Q His wife? A Yes sir.
- Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee Nation? A Yes sir.
- Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
- Q The latter part of December, 1866? A Yes sir.
- Q Or January? A January first.
- Q The following January after December, 1866? A Yes sir.
- Q Where was he then? A On the Dr. Thompson place.
- Q Who did he have with him? A His wife, Mahala, and Mike Moore.
- Q And who else? A A girl named Anika, his stepdaughter.
- Q How long did he stay over there? A Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
- Q How long did he stay on that Dr. Thompson place? A He made a crop there.
- Q What year did he make a crop on the Dr. Thompson place? A '67.
- Q Did you see Butler McVair at any time down there? A Yes sir.
- Q What was that? A That was in the same year.
- Q What time did he come? A He come along about the winter time too.
- Q Who come with him? A Uncle Tom.
- Q Tom Moore? A Moore.
- Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
- Q Did he come the same time Jeff Lyons came? A Yes sir.
- Q How then did Tom Moore's wife come? A In the fall after that, of '67.
- Q When did Butler McVair's wife come? A The same time after they made a crop in '67.
- Q Where did Tom Moore move to after he left Dr. Thompson's place? A Right out about a half mile south of there and made a new place there.
- Q Made a place of his own? A Yes sir.
- Q How long did he live there? A Why he lived there up until he died in '85.
- Q You say a girl named Anika was staying with Jeff Lyons? A Yes sir.
- Q Did you see a woman named Peggie Durant with that crowd? A No sir.

BY MR. WASHINGTON:

- Q You are the same Nelson Moore who testified in the case of Moses Handrick before the Commission to the Five Civilized Tribes on February 5, 1902, are you? A Yes sir, I guess I am the same fellow.
- Q You gave your age 4 years ago as being 48 and your post office Ketchum? A Yes sir.
- Q And your District Delaware District? A Yes sir.
- Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
- Q Are you related to Mike Moore? A He is a half brother of mine.

- Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
- Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
- Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S      E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PAT. N:

- Q State your name? A Arthur Bean.
- Q How old are you? A 53.
- Q What is your post office address? A Chaffee, Indian Territory.
- Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
- Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
- Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas awhile.
- Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
- Q You mean the winter? A Of '67.
- Q You meant it was following the Christmas of '67? A Yes sir.
- Q Where did you see him? A Down to,--I seen Mose down in that country.
- Q Mose who? A Mose Hardrick.
- Q Where did you see him? A Down to Uncle Fred Martin's.
- Q Where is that? A Down to Greenbriar.
- Q Where was Mose living at that time, do you know? A He said up in the Arsenic settlement.
- Q Where was it? A About 8 miles above where we were.
- Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. A I didn't see Jeff the time I seen Mose, saw Jeff later on.
- Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
- Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
- Q Of what year? A '67 I guess.
- Q Do you know where Tom Moore and Butler Mcwair were at that time? A No sir.
- Q When was the first time you saw them? A I never seen them until way after that.
- Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. BASTINGS:

- Q You never saw neither Mose nor Jeff until February, 1867? A Yes sir.
- Q That is your first time? A Yes sir, as well as I recollect.
- Q You are now testifying from your independent recollection, you havent got anything to guide you by? A I never did have nothing to guide me by; only what I have to testify about.

- Q That has been a long time ago? A Yes sir, so it has.
- Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
- Q Can you read and write? A No sir.
- Q You were a slave before the war? A Yes sir.
- Q Where was this young Tom Moore living when you first saw Mose and Jeff? A I don't know sir, he must have been living with his Uncle Tom.
- Q Were you acquainted with Mose before the war? A Yes sir, lived about two miles of him.
- Q Before the war? A Yes sir.
- Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
- Q And Joe? A Yes sir.
- Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Mose asked me to come down on his case.
- Q When? A About a year ago I guess. I never went before the Commission on Mose's case at all and he asked me to testify for him in the case.
- Q Where were you when he asked you? A I don't know where we met very frequently at Winita.
- Q What month was it he asked you to testify? A I don't remember what month that was.
- Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
- Q You don't remember what month it was? A No sir.
- Q If you can't remember a month that happened a year ago, how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
- Q You were about 23 years old then? A Yes sir, I guess so.
- Q Are you married? A Yes sir.
- Q When were you married? A I guess in about '68, I guess or '67.
- Q You don't remember the year? A No sir.
- Q You couldn't tell that? A I couldn't tell, I have got it in my book.
- Q But you cannot tell that independently? A I was married in '68 if I mistake not.
- Q Was it 1867 or '68? A I think it was '68.
- Q Are you positive about it? A I am pretty near positive but I wont be sure. If I was at home I would tell you, I would go by my book.
- Q You are not willing to trust your memory as well as you are the book? A No sir.
- Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
- Q I am asking you now when your first child was born? A I couldn't tell about that.
- Q How many children did you have? A I got two children living and 6 or 7 or 8 dead.
- Q When did your first child die? A That has slipped my remembrance.
- Q It has been a good long while? A Yes sir.
- Q You couldn't trust your recollection to that could you? A No sir.
- Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
- Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
- Q When did Bob Daniels come back up in that country? A About '67.



- Q What time in 1867? A I don't know just what time.  
Q In January? A It might have been January, but it was in that year sometime I think.  
Q Well do you think it was in January, or December? A I don't know I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.  
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.  
Q What time did Johnson <sup>Thompson</sup> come back up there? A I don't remember just what time he come.  
Q You don't remember the year? A No sir.  
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.  
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.  
Q How long afterwards before you saw old Tom Moore? A Not very long.  
Q Five years? A I guess it might have been a shorter time than that.  
Q Your best judgment, what was it? A I don't know anything about when I seen Tom.  
Q Well now your brother Joe married? A Yes sir.  
Q What year did he marry in? A I couldn't tell you that, he has been married twice.  
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S E S E X C U S E D :

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Andy Frye.  
Q What is your age? A Either 73 or 74.  
Q What is your post office? A Ketchum, Indian Territory.  
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.  
Q On what place were you living? A I was living on the Thompson place.  
Q Known as the Dr. Thompson place? A Yes sir.  
Q What time did you move on to that place? A I moved there in October.  
Q What year? A '66.  
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.  
Q Were you acquainted with him when the war came up? A Yes sir.  
Q When did you see him after the close of the Civil war? A See him in '66,--along in '67.  
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson's place along in February, '67.  
Q What time in February? A Along about the first of February.  
Q How long did he live on the Dr. Thompson place? A He made one crop there.  
Q Where did he go to from there? A Just south of there, I don't know how far.  
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

- Q Who moved on to the Dr. Thompson place after you moved away?  
A Mr. Parks.  
Q Were you acquainted with Butler McHair? A Yes sir.  
Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.  
Q What time in 1867, what month? A Along in February.  
Q Did he have his wife with him? A No sir.  
Q What was his wife's name? A Betsy.  
Q Where was she then? A In Kansas.  
Q When did she come? A She come along in July or September, somewhere along there.  
Q Did Butler come back after her? A Yes sir.  
Q No w when Tom Moore came, when was that? A Him and Butler come together.  
Q Did Tom Moore bring his wife? A No sir.  
Q When did she come? The same time Butler went back and brought her. They went and come together.  
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.  
Q Built a home of his own? A Yes sir.  
Q He and his wife live down there? A Yes sir.  
Q Did you see a woman named Pergie Lynch or Durant down in there at that time? A No sir.  
Q She didn't come with that crowd at that time? A No sir.

BY MR. WASTINGS:

- Q Jeff Lyons didn't come with them did he? A He come before they did.  
Q What is Jeff's wife's name? A Mahala.  
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On behalf of the Commissioner: The objection will be noted.

- Q What time did Jeff Lyons bring his wife down her? A It was along in December, sometime before Christmas.  
Q Then Jeff and Wose didn't come together? A No sir.  
Q Wose come after that? A Yes sir, he come after Jeff come.  
Q When did Wose bring his wife down there? A Wose brought his wife with him when he come.  
Q The first time? A Yes sir.  
Q That was in the spring of 1867? A Yes sir. I don't know, it might have been along about the first of February, it was after Christmas.  
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.  
Q You are not positive as to that? A I cannot keep the dates.  
Q If Wels Moore testified he come about the time grass comes up in the spring of 1867, you think he is about right? A I don't know.  
Q You don't want to contradict that? A I wont contradict nothing.  
Q This Mahala was a slave of Bob Daniels? A Yes sir.  
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.  
Q How far was it from you where he located? A Only about a mile and a half.  
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I sint certain.

- Q Bob Daniels is the same man that sat on that Court in 1861? A Yes sir.
- Q And he owned this Mahala Lyons? A Yes sir.
- Q And you say they come before any of these others that you have mentioned? A Yes sir.
- Q You are positive about that? A Yes sir, I am positive, I know they did.
- Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
- Q Did Jeff work for Kell over there a while? A Yes sir.
- Q About how long? A About three weeks.
- Q That runed him over to the spring? A Runed him over until along in January.
- Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
- Q Well did he come over there? A Yes sir.
- Q Did you permit him to make a crop over there? A Yes sir.
- Q When did he move over to your house? A He moved over about the first of February.
- Q Then he never lived at your house before the first of February, 1867? A No sir.
- Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
- Q Never come there did he? A He come in January to see me.
- Q Never come there to live? A No sir, not until the first of February.
- Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
- Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
- Q How long after that before Butler McKair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
- Q Well if Judge Clark and Wels Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings:

On Behalf of the Commissioner: The objection will be noted.

- A No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
- Q You wont dispute that? A No sir, we had green grass all winter.
- Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
- Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
- Q You are just guessing at it? A Yes sir.
- Q Using your own independent recollection? A Yes sir, I think it was about that time.
- Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
- Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

- Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr. Daniels.  
That time do you think Johnson Thompson come back? A I couldn't say. I know he was there first.
- Q Do you know whether he come in 1 '67 or '68, or '69? A He must have come in the fall of '66.
- Q Did you testify before the Commission at Vinita on May 15, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
- Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
- Q You don't know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
- Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
- Q It is this same one whose father is Dan Landrum commonly known as Rony Dan? A Yes sir, that is the fellow.
- Q You testified did you in that case? A Yes sir.
- Q You testified when he come back, that he come back in 1 '68? A Yes sir, he come back in '68.
- 
- Q You are the same party who testified in that case? A Yes sir, I testified for Sam.

BY MR. STARR:

- Q Rony Dan did come back in 1868? A Yes sir.
- Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
- Q One named Harvey? A Yes sir.
- Q When did he die? A March 11, I believe.
- Q What year? A That was in '67.
- Q Who dug Harvey's grave? A Jeff Lyons.
- Q Now where did Jeff Lyons live before he went on this Kell place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
- Q Had been camping there prior to when he went on Kell's place? A Yes sir.
- Q What was your next child's name that died? A Lula.
- Q When did she die? A In '67.
- Q What date? A Along in September, I don't know exactly the date.
- Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
- Q You are not certain about that? A No sir.
- Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:

- Q You don't know what year he died? A I don't know.
- Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:

- Q Did you ever testify before the Commission something about getting a mule, you and Sam Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
- Q Expalin that mule deal? I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this court and I told him he would have to pay me the money, or put up something as good as the money.
- Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
- Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

- Q How long did you attend before the Commission at that time? A There about two weeks before we got into it.
- Q What was the mule worth? A I give Dan Tucker \$12.50 for his part.
- Q What part did he have? A I had \$12.50.
- Q The mule was worth \$25.00? A Yes sir.
- Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
- Q What did they give you? A They allowed me \$12.50.
- Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
- Q Now that three days attendance, your mileage and time for the Cherokee Nation amounted to \$12.50, did it? A Yessir.
- Q And about two weeks attendance in this other case, your mileage and time only amounted to about \$12.50? A That is all I got out of the mule.

PY MR. HASTINGS:

- Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than \$2.00 per day, and your mileage? A Mr. Bell told me to make it 4 days, and I didn't claim anything.
- Q Who paid you? A Roland brought the check to me and he went down to the bank and got the money.
- Q Did you sign a pay roll? A No sir.
- Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
- Q Did Gale Starr give you that check? A No sir.
- Q Was it while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
- Q Didn't you never know he was? A No sir.
- Q Never heard of it? A No sir, never heard of him being an official for the Cherokee nation. I know he was called an Attorney at Law but I never knew he was an official.
- Q You never heard of that? A No sir.
- Q Tell whose name was signed to that check? A I don't know sir, I never looked on the check to see whose name. Me and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
- Q Do you know when it was? A I don't know, you know when that case of Bettie Cash was up.
- Q Did the Cherokee nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
- Q Was the amount you got what you were entitled to for your time and mileage, how far do you live from Vinita? A I considered that paid me for the time and mileage.
- Q How far do you live from Vinita? A 14 miles.
- Q And it is 65 miles from Vinita to Muskeges, in the neighborhood of 80 miles, and you say you got a check for \$12.50? A Yes sir.
- Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn't claim nothing.
- Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
- Q Did you sign a pay roll? A I never signed nothing.
- Q Do you swear that? A I never signed nothing.
- Q You sign your name don't you? A No sir.
- Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
- Q I am talking about the pay roll? A What pay roll?
- Q The pay roll so that the check might issue on it? A I don't understand it yet.
- Q You can't sign your name? A No sir.

- Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
- Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
- Q And according to that you were out three days and 80 miles and you didn't get but \$12.50? A That was all.
- Q Did you make those other fellows you have testified for pay you? A Which?
- Q You have testified in a good many cases? A Yes sir, they paid me.
- Q All of them? A Some of them did and some didn't.
- Q How much did you get in the San Landrum case? A I have forgotten.
- Q What other case? A There was several cases, I don't recollect who I did witness for.
- Q You don't remember any other cases? A No sir.
- Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than \$25.00 at the time you took it? A I said I couldn't get no more than that because he was balky.
- Q What did you think he was worth when you were getting it? A About \$30.00.
- Q And you sold it \$5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
- Q Then you made a business of charging all those fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
- Q Were some to pay you in the event they got out? A They promised to pay me, didn't say when. May be they will pay me yet.
- Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
- Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
- Q Post office Ketchum? A No sir.
- Q Never testified in that case? A No sir.
- Q Tell he never paid you nothing? A No sir.
- Q Did you testify in the Aaron Martin case? A Yes sir.
- Q Is that the one you got the mule in? A Yes sir.
- Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, that was separate.
- Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
- Q Did you testify in the Elias Downing case? A No sir.
- Q You swear you didn't testify in that case? A I don't think I did. I ain't going to swear nothing unless I know what I am swearing.
- Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
- Q Did you testify in the Peyton Martin case? A Yes sir.
- Q Did he pay you? A Yes sir, three or four dollars.
- Q Do you know, do you remember how much he paid you? A About three dollars.
- Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
- Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

- Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me \$10.00 for witnessin' for his family.
- Q Where were you going to witness at? A In the Kern-Clifton Court.
- Q Witness for him then for \$10? A Yes sir.
- Q And you didn't get it? A No sir.
- Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I did it max stay there all the time, I went back and forwards.
- Q What was the longest you ever stayed up there? A Not over two days at a time.
- Q How long were you there when you testified for Aaron? A About two days, then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
- Q Did you get any other mules in any other cases besides that one? A No sir, mules were too high, I couldn't go and get a mule every time.
- Q What is the most you ever got for witnessin' in a case? A That mule was the biggest salary I ever got for witnessin'.
- Q What did you get from George W. Lynch for witnessin' for him, whose post office is Vinita and whose age was then 48? A I don't think I witness'd for George W. Lynch.
- Q You don't think you ever witness'd for him? A No sir.
- Q Did you witness for Harriet Tucker? A She was in the Aaron Martin family.
- Q Did you ever get anything for testifyin' in these cases? A She got two or three dollars from some of them.
- Q It is your habit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
- Q Didn't make no difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay no.
- Q If you were hanging around you charged them if you testified? A No sir, if they wanted me to testify for them I went in and testified.
- Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
- Q How much did they say they would pay you? A I don't know, they haven't said.
- Q Did they pay your fare? A Yes sir.
- Q Who? A White man.
- Q Who are these men? A Star & Patten.

BY MR. PATTEN:

- Q In the case you testified in, in which you got a mule to secure you for your fees; did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

WITNESSES EXCUSED.

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:

- Q State your name? A Thomas H. Moore.
- Q Did you testify in this case awhile ago? A Yes sir.
- Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
- Q What is it? A I want to withdraw one I made, a statement in '66, I want to make it '67.
- Q What was that about? A Bob Daniels moving in in '66, in '67 he was removed in.

BY MR. HASTINGS:

- Q Who did you talk to about this since you left the stand? A I got to studying it over myself.
- Q You talked to Mr. Patten about it? A Just now, yes sir.
- Q Before you come back on the stand? A No sir.
- Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.
- Q How did he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.
- Q Were you not right out there when Andy Frye was on the stand, and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this ~~school~~ school house.
- Q All those witnesses are out here in the hall? A Yes sir.
- Q You have all been talking about it out here in the hall? A Yes sir.
- Q You have talked to Starr or Patten out here in the hall about this case? A No sir.
- Q You testified that you saw Nose Hardrick here in the winter of 1866, in February? A '67 I mean.
- Q You swore awhile ago 1866 and Mr. Patten asked you over and over? A I know I did, that is what I am trying to get str ight. We lived up where I live now and we come down to this school all this time.
- Q Mr. Patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, an didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.
- Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.
- Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.
- Q And it was in the fall of 1867 Bob panels moved in and you out? A Yes sir.
- Q You are certain that that was November I believe you said? A Did I say November.
- Q You said fall, October or November? A It was in that fall anyhow.
- Q Of 1867? A Yes sir.
- Q That is when Bob panels moved his family up there? A Yes sir.

WITNESS EXCUSED.

APPLICANTS REST.

The following testimony was taken on behalf of the Cherokee nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary, therein in the Sam Vandrum case, paragraph doubtful 292, be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Vandrum case.

On behalf of the Commissioner: The objection will be sustained.



On behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, reflecting, among others, the application of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D. 8326-1903), and that a motion said case was filed May 22, 1905.

ELIZA A. STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Eliza A. Strout.
- Q How old are you? A 50.
- Q What is your post office? A Vinita.
- Q What was your maiden name? A Daniels.
- Q Were you a daughter of Bob Daniels? A Yes sir.
- Q Is he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
- Q You are a Cherokee by blood? A Yes sir.
- Q Through who do you get your Cherokee blood? A Father and mother both.
- Q Did your parents own some slaves before the war? A Yes sir.
- Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
- Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
- Q Who did she belong to? A My parents.
- Q Did she have any children before the war? A Yes sir.
- Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
- Q He was born before the war? A Yes sir.
- Q He was a slave of your parents? A Yes sir.
- Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
- Q Now when did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
- Q How when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and westayed there all winter and then come back up home on Grand River in March, 1867.
- Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
- Q Was it on the same side of the river? A Yes sir, on the east side.
- Q And about a mile from the Dr. Thompson place? A Yes sir.
- Q Did you know Johnson Thompson? A Yes sir.
- Q He was a Cherokee? A Yes sir, he married my sister.
- Q Do you know where the Johnson Thompson place was? A Yes sir.
- Q Where was this Dr. Thompson place with reference to your father's place and the Johnson Thompson place? A It was right between the two.
- Q Then you had to go by the Dr. Thompson place in order to go to your aunt's who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
- Q Did you visit backwards and forwards frequently? A Yes sir.

- Q How was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
- Q Was she in that neighborhood at that time? A No sir.
- Q She was your old slave? A No sir, she was not there.
- Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it? A No sir, I don't think she could.
- Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
- Q He was a member of the Supreme Court in 1871? A Yes sir.
- Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
- Q He lived there until he died? A Yes sir.
- Q You know how long afterwards before you first heard of Mahala coming back there? A No sir, I don't know exactly how long but I don't think it was right soon. I am pretty certain it was not.
- Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
- Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
- Q That was your impression from knowledge you gained at that time? A Yes sir.

BY MR. PATTON:

- Q I believe you say you are about 50 years old? A Yes sir.
- Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
- Q When was that? A I just now said it was in 1867.
- Q What time of the year? A In March when we come down on the river.
- Q You say Mahala was the slave of your father? A Yes sir.
- Q You say she had one child before the war? A She had more than one.
- Q Can you give the name of one? A She might have had more than I know of.
- Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
- Q How old were you at that time? A At what time.
- Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
- Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
- Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
- Q And you were about 6 years old at that time? A I guess so.
- Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
- Q And you were only about 10 years old at the close of the war? A I can remember when I was 6 years old.
- Q Whose slave did you say Mahala was? A I guess she belonged to my father and mother both.
- Q Did she belong to them at the commencement of the war? A Yes sir.
- Q And they were Cherokee citizens? A Yes sir.
- Q How you say you came back home there in the spring of 1867, in March? A Yes sir.

- Q Do you know where Judge Clark was living when you came back?  
A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.  
Q Do you remember where L. S. Bell was living when you come back?  
A Yes sir, I know where he lived afterwards.  
Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.  
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson's wife was my mother's sister, and so was Dr. Thompson's wife.  
Q Did you go by the house? A Yes sir.  
Q Was it on the road? A Yes sir, of course it was on the road.  
Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.  
Q Can you name them? A I knowed Andy Frye and Al Lynch.  
Q Who else? A I don't remember anybody else.  
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don't think he was married then.  
Q You are certain that was the spring of 1867? A Yes sir.  
Q Who else besides Andy Frye and Al Lynch? A I don't remember.  
Q There was an old colored man named Tob Schrimsher.  
Q Was there any one else besides those three? A I don't remember anybody else.  
Q Do you remember whether Butler McFair was there? A I don't know anybody by that name.  
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.  
Q Old man Tom Moore? A Yes sir.  
Q How do you know he wasn't living there? A Because I didn't see him.  
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don't see how he could be there without my seeing him when I passed there.  
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?  
A I said I didn't know them but I know Tom Moore and his wife, belonged to my father.  
Q You were about 10 years old? A I said I was about 12.  
Q There were some colored people living at that house and you didn't know who they were? A I know Tom Moore wasn't there.  
Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.  
Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know their names.  
Q How do you know you saw them all? A I know I must have.  
Q You are just guessing at that, taking it as a conclusion? Now are you stating from what you actually know or what you take as a matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish question as that.

On behalf of the Commissioner: Just answer as near as possible the question as asked.

- A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.  
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we come back.  
Q I am not asking you that question? A I couldn't tell you just the date I saw her.

- Q You say you saw her when they all come back? A I saw them when they were living there.
- Q About when was that? A I don't know when it was.
- Q Was it 1868 or 1869? A It was 1867 or '68.
- Q What time in 1867? A I always thought it was 1868.
- Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
- Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
- Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
- Q Do you remember when they first moved on that Dr. Thompson place? A No sir.
- Q You don't know anything about when they come from Kansas? A I know they were not on that Dr. Thompson place.
- Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
- Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
- Q Who lived on that place or in the house preceding your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
- Q Did he move in there just before you folks moved in? A Yes sir.
- Q Did Nelson Moore ever live in that house, if you know? A No sir.
- Q You don't remember when he lived there? A No sir.
- Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
- Q ~~Was~~ Was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
- Q Who did he get out? A Arch Landrum.
- Q You are certain it was Arch Landrum? A That is what my father said.
- Q Didn't say whether Arch was the only one? A Didn't say about that.
- Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
- Q You came shortly after he came down there? A Yes sir.
- Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
- Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
- Q How do you remember it was 1867? A How do you remember anything?
- Q I am asking you? A (No response).
- Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? You just undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
- Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don't know any more than anybody knows one year from another.
- Q Have you a pretty good faculty for remembering things that occurred in 1860 or '87? A Sometimes I do and sometimes I don't.
- Q Do you know when the Kern-Clifton roll was made? A No sir.
- Q You don't remember that do you? A No sir.
- Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
- Q ~~Some of these dates~~ Some of these dates are pretty hard to remember, aren't they? A

- Q Some of those dates are pretty hard to remember, aren't they? A Indeed without they got to remember anything, they ought to remember it.
- Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place is that the reason you remember it? A No sir.
- Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I know when the war closed, and how long we stayed down south before we come home, and then we come to Tahlequah and stayed there until the spring of '67.
- Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
- Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
- Q Where were you ~~xxx~~ when the war closed? A In the Choctaw Nation. How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
- Q What year did you go there? A I think it must have been in 1862.
- Q And you stayed there three years? A Stayed there until 1865.
- Q What time in 1862 did you go? A I don't know.
- Q You don't remember that? A No sir.
- Q Do you remember the occasion of going? A Yes sir.
- Q You say you stayed there about three years? A We stayed there until 1865.
- Q What time in 1865? A I don't know, I think it was in the spring.
- Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Wickory Nuts all along the road.
- Q How long did you stay at Tahlequah before you came down there? A I told you from that time until March.
- Q The following March? A Yes sir.
- Q Then you came to Tahlequah in 1865? A '65.
- Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we come to Tahlequah in 1866.
- Q Do you know what year you were born in? A 1858 so my mother said, I don't know whether I was or not.
- Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D.

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A James R. Dunlap.
- Q What is your age? A 65.
- Q What is your post office? A Carlile, Kansas.
- Q How far is Carlile from Iola? A Five miles.
- Q How long have you lived in the vicinity of Carlile and Iola? A I first came there in 1864, moved there in 1866.
- Q What time in 1866 did you move there? A Sometime in the spring, May or June.
- Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did they live there in that vicinity? A Yes sir.
- Q Did you at that time live in the town or in the country? A I lived in the country there.
- Q About how far did Butler McNair live from you? A About a mile.
- Q Live in a cabin over there? A Yes sir.
- Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
- Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsey Butler was with my wife.
- Q Was that Butler McNair's wife? A Yes sir.
- Q Was that after this confinement you speak of? A Yes sir.
- Q Was that the first child your wife had? A Yes sir.

- Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
- Q Have you a record of the birth of that child? A Yes sir.
- Q Did you bring that with you? A Yes sir.
- Q What does that record disclose? A You read it.
- Q Is this from your family record, your Bible? A Yes sir.
- Q It shows birth, Orion Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
- Q That is the date of his birth? A Yes sir.
- Q And you are positive that Betsy the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
- Q Do you remember how long she stayed there after that? A No sir, I don't.
- Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
- Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 31, 1867.
- Q And you are positive that Butler McNair's wife Betsy was there? A Yes sir.
- Q You are not prepared to say how much longer they remained there? A No sir, I couldn't do that.
- Q Did you know a colored man named Tom Moore, A Yes sir.
- Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
- Q They didn't live on your place? A No sir.
- Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the same time that Butler McNair did.
- Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.
- In Behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:

- Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
- Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn't have any acquaintance with the old lady until I went after her to stay with my wife.
- Q There is no question but what she waited on your wife at that time? A No question in my mind.
- Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
- Q Did you ever know him? A Yes sir.
- Q How far did they live from you? A About a mile.
- Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just came into the country there and we swapped work around and cut our wheat.

WITNESS RECUSED.

T. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. WASHINGTON:

- Q What is your name? A T. A. Thompson.
- Q What is your post office? A Vinita.
- Q What is your age? A I will be 56 years old the first day of next August.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What was your father's name? A Johnson Thompson.
- Q Have you a brother named Tommy Thompson, T. F. Thompson? A Yes sir.
- Q Where did you go during the Civil war? A We went south, on Red River.
- Q Where did you return after the war? A Back there on our old place.
- Q Where was that? A On Grand River, known now by the Ketchum place.
- Q Is Ketchum post office? A Yes sir, near there.
- Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
- Q How far is that from the Dr. Thompson place? A About a mile.
- Q On the same side of the river? A No sir.
- Q How far from the Bob Daniels place? A That was a short mile further south, on the south side of the river.
- Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
- Q And both on the opposite side of the river from your father's place? A Yes sir.
- Q Do you know Mrs. Strout, daughter of Bob Daniels? A Yes sir, first cousin of mine.
- Q Do you know when Bob Daniels come back up there? A Yes sir.
- Q When? A In 1867.
- Q What time of the year? A Early in the spring.
- Q What time did you people come back to this Johnson Thompson place? A I think it was in October, in 1866.
- Q Did you ever know Mose Hardrick a colored man before the war? A No sir.
- Q Did you know Jeff Lyons before the war? A No sir.
- Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
- Q Did Daniels live up there before the war? A Yes sir.
- Q Add you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
- Q Right at the same places you described? A Yes sir.
- Q Then you knew Mahala well did you? A Yes sir.
- Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
- Q Was that when they came back to the country? A Yes sir.
- Q You say that was in the fall of 1867? A Yes sir.
- Q Are you positive they were not there during the winter of 1866? A I don't think they were, if they were I didn't see them.
- Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
- Q You remember when Mose Hardrick come? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
- Q Did you see him there before you saw Mahala and Jeff? A No sir.
- Q Did you know a child of Mahala named Mike? A Yes sir.

- Q Did he come back with his mother? A I don't remember him. We were talking about him, I don't remember when he come or he was gone.
- Q And did you see him there before you saw his mother? A No sir.
- Q You saw him afterwards? A Yes sir.
- Q Did you know Father before? A I wasn't acquainted with him.
- Y . . . . .
- Q When was it you saw the first saw Jeff and Mahala? A I think it was in the fall of 1867.
- Q Where were they living at that time? A Camped in our yard there on our place.
- Q That was in the fall of 1867? Yes sir.
- Q When was the first time you saw Mose? A It was sometime after that I think, I would not be positive. I don't remember much about Mose because he went across the river.
- Q Was it about the same time? A Pretty much the same time.
- Q How long did they stay with you there when they went into camp? A Yes sir.
- Q Had they just moved in from some place? A Come in from Kansas I suppose.
- Q Was this on the same side of the river as the Dr. Thompson place?
- A No sir.
- Q That was across the river from the Dr. Thompson place? A Yes sir.
- Q That was in the fall of the year? A Yes sir.
- Q And you think it was what year? A 1867.
- Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
- Q When do you ~~think~~ claim? A I don't claim.
- Q Were you in the country? A There were two fights on Horse Creek.
- Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was it before or afterwards?
- Q Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
- Q You don't know whether it was before or after? A Well it must have been ~~later~~ then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
- Q The same fall? A I couldn't tell positively.
- Q What is your best judgment about it? A Well I hate to say.
- Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, about time. There were two fights there, one occurred before we come there.
- Q Did these two fights both occur the same year? A I couldn't tell you that.
- Q Where did they move to when they moved away? A Across the river.
- Q Did they move to the Dr. Thompson place? A I think they moved on a place they got from Uncle Peter or Uncle Robert, and I think he lived there until he died to my best judgment.
- Q What place was that you say? A They settled a place in there near Uncle Peter or better between the two places.
- Q What time did they move in on that place? A I don't know exactly. You see we made a crop there in 1867 and after we gathered the crop, father sent James and I to school in Arkansas.
- Q You started the fall of 1867? A Yes sir.
- Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any crop earlier than 1868.
- Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.



- Q Do you know whether or not he ever lived on the Dr. Thompson place?  
A He might have rented some ground from Uncle Jeter.
- Q I mean live there? A I don't remember of him living there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Schrimsher, and there was another fellow or two there.
- Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,-- what time was it Jeff and Mahala were camped there? A That was along in 1867.
- Q Mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
- Q That was about the time Tobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniels' horse and Schrimsher was running out boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
- Q Regarding what year it was, you said it was in the fall of the year? A Yes sir.
- Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
- Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
- Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
- Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
- Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
- Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't come up there until late in the fall of 1866.
- Q How do you remember it was 1866 you come up there instead of '65?  
A We were afraid to go up there.
- Q How long after the war closed before you were afraid to come up there? A We come as soon as we thought it was healthy.
- Q This occurred about 40 years ago? A Yes sir.
- Q You were how old? A About 16 years old.
- Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E S R E C O M M E N D E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. W. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A T. W. Thompson.
- Q How old are you? A Going on 50 years old.
- Q What is your post office? A Vinita.
- Q What was your father's name? A Johnson Thompson.
- Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
- Q Did you know Bob Daniels in his life time? A Yes sir.
- Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
- Q Were they Cherokees? A Yes sir.
- Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
- Q Where? A On Grand River.
- Q How far from Vinita? A East about 15 miles.
- Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
- Q On which side of the river did your folks live? A On the west side.
- Q On which side did Bob Daniels live? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
- Q On the opposite side of the river from you? A Yes sir.
- Q How did you people go out during the war? A Yes sir.
- Q What time did you return? A We returned in the fall or winter of 1865.
- Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
- Q Did you know Mrs. Strout that was on the stand? A Yes sir.
- Q That was her father? A Yes sir, he lived there.
- Q Then each of your families returned back to these old places? A Yes sir.
- Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
- Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you know her at all? A The wife of Jeff Lyons after the war.
- Q Did she have any children before the war? A I think she did, I would not be certain about that.
- Q Don't know of a child named Mike Moore? A Yes sir.
- Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
- Q You say you knew Mahala who belonged to your next aunt Mrs. Daniels before the war? A Yes sir.
- Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we did but I couldn't say whether it was the year we did or the year following.
- Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
- Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
- Q Did you make an affidavit in this case? A Yes sir.
- Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
- Q Who prepared it? A A young man named Blue I believe.
- Q With whom did you talk about it? Did you talk to V. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
- Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

- Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.
- Q You didn't intend to say 1866? A No sir.

BY MR. PATTEN:

- Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
- Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.
- Q Or you would not want to be understood as positively swearing it was 1867? A No sir.
- Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
- Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A Not that I remember of. I don't think Mr. Starr had anything to do with the affidavit at all.
- Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
- Q The Wallace Court in 1866? A No sir, I think not.
- Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedom cases before. I don't remember of it.

WITNESSES EXCUSED.

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, No. 314, at a prior hearing will be considered a part of the testimony of this entire case.

On behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two heads, consolidated cases of Moses Hardrick, et al., and George Irons et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Wayfield et al., No. 541, with reference to Warren Adams for the year 1866.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Wayfield case show that the assessment record of Monroe Township, Anderson County Kansas, was never authenticated for the year 1866 by the Assessor.

On behalf of the Commissioner: A topographic report was made of the record of the proceedings had May 14, 1906 in the cases of Thomas Wayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of the proceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freed an Doubtful 498, being the case of Henry C. Hayden, et al., Freedman Doubtful 535, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freed an Doubtful 578, being the case of Katie Thornton, et al., Freedman Doubtful 201, being the case of Sarah Bean, Freed an Doubtful 768, being the case of Leah Winfield et al., Freed an Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1009, being the case of George Ross. All of said cases being freed on cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1860 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient and move that the Nation be required to specify in each instance what testimony is false.

Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes had decided adversely to them, and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes, and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorneys for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful, 317, Charles Martin, et al., Freedman doubtful 597, Jane Looney, Freedman doubtful 631, Nancy Ross, et al., Freedman doubtful 662, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Watie or Tinnon. Freedman doubtful 946 Andy Ross. Freedman doubtful 982, Charles Brown, et al. Freedman doubtful 1009, George Ross, Freedman doubtful 1020, Kissie Newman, et al., Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In repl, to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection will be sustained.

~~Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.~~

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 82, John May, et al., Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann, et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 566, Aggie Little, et al. Freedman doubtful 617, Rosa Shobe, et al. Freedman doubtful 79, Mary Hammitte. Freedman doubtful 734, John Towers. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin. Freedman doubtful 860 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 728, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons herein afore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and Citizenship Courts, that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 10/7, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not taking the Andy Webber case, and that that is not a part of this case and not a part of this record; that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treaty of July 13, 1866. That we do not represent George Irons, Betty Wayes and Leonard Kern, and so far as the other cases are concerned they will be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Mahala Lyons could be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no diligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Hayes,	F D	87
Richard Nero,	F D	1328 a
Ned Lyons,	F D	251
Rachel Landrum	F D	252
Elias Lyons,	F D	253
Altha Moore, et al.,	F D	357
George W. Lynch,	F D	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he come from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

23<sup>rd</sup>

*Geo. H. Lessley*

Subscribed and sworn to before me this day of July, 1906.

*B. P. Rasmus*  
Notary Public.

COPY

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

4727

In the matter of the application for the enrollment of  
Moses Hardrick, et al., as Cherokee freedmen, consolidating  
the applications of-----

Moses Hardrick	Cherokee freedmen R-574
Silas Hardrick	Cherokee freedmen R-536
Sarah Bean	Cherokee freedmen R-543
Nelson Hardrick, et al.,	Cherokee freedmen R-557
William Hardrick, et al.,	Cherokee freedmen R-599
Eliza J. Hardrick, et al.,	Cherokee freedmen R-631
Mary Hardrick, et al.,	Cherokee freedmen R-579

George Irons, et al.,	Cherokee freedmen R- 36
Bettie Wayes	Cherokee freedmen D- 87
Richard Nero (Irons) et al.,	Cherokee freedmen D1328
Ned Lyons	Cherokee freedmen D-251
Rachel Landrum	Cherokee freedmen D-252
Elias Lyons, et al.,	Cherokee freedmen D-253
Altha Moore, et al.,	Cherokee freedmen D-357
George W. Lynch, et al.,	Cherokee freedmen D-731.

D E C I S I O N

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lonien; by Jennanna Irons for her husband, George Irons, and his children Bertha and Bettie Irons and grand child, Minora Nivens; by Bettie Wayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.



The record further shows that on April 20, 1904, and April 13, 1905, the Commission to the Five Civilized Tribes rendered its decisions herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T. . 6968-1904); and that thereafter, to-wit, on April 5, 1906 (I.T. . 5598-1906) and on May 11, 1906 (I.T. . 4667-1906) respectively; on motions of the applicants, the Department rescinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Other proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor possess any rights to Cherokee Freedmen citizenship other than as below indicated, to-wit; Moses, Eliza J. and Mary Wardrick, George Irons, Little Hayes and George W. Lynch by virtue of having complied with certain provisions of the Treaty of 1867; Elias Wardrick, Sarah Jean, Nelson and William Wardrick as descendants of the said Moses Wardrick and his former wife the Patient or Patience Wardrick, now deceased; Malinda and Eliza Wardrick as descendants of the applicant Nelson Wardrick and his former wife one Minnie Wardrick, deceased; Mable and Anna Wardrick as descendants of the applicant William Wardrick; Lettie, Little and Elaud Lynch as descendants of the applicant Eliza J. Wardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Wardrick and one George Irons, deceased; Anob and Jackson Lonien as descendants of the applicant Mary Wardrick and one Rose Lonien; Bertha and Lettie Irons as descendants of the applicant, George Irons and one Minnie Irons nee Lyons, deceased; Alnora Wivens as the descendant of Bertha Irons and Harrison Lyons; Ned Lyons, Rachel Lartrum and Elias Lyons as descendants of Lettie Irons and Mahala Lyons, now deceased; Nelson J. Lyons and George as the descendant of the applicant Elias Lyons, Altha and Lettie as the descendants of one Mike Moore, deceased; and Corretta and Malinda Lynch as the descendants of the applicant George W. Lynch.

A reexamination of the records in this now consolidated case made prior to the rendition of the decisions heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded thirty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion

that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which array of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads 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 council, a census or enumeration of each tribe lawfully resident in said (Indian) 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 divisions 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 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,
Flint, Sequoyah and Koo-wees-koo-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 13866, Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 9588, Whites 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four 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 and for a purpose that makes it highly improbable 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 Article 9 of the Treaty of 1866 had complied with the provisions thereof was, 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 said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

- Q How does the fact that the grass was up connect with, in your mind, with Moses Hardrick's return? A I tell you about my recollection of it being in the Spring of '67; Moses Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle in-law to me, they all of them went to Lucy Wilderbrands in the Spring of '67 to a census taker.
- Q To a census taker? A Yes sir to a census taker; that was in '67.
- Q What month was that? A That was about June or July as well as I remember.
- Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum, can be identified on the roll of 1867. The testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas More and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McNair,

however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Federal Court in an opinion rendered on August 9, 1878 held that the applicant, James Wardrick (Wardwick), did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1846. A certified copy of said opinion is made a part of the record herein (331-332).

On June 14, 1904, there was filed with this office an affidavit showing the birth of the applicant, Valinda Wardrick, on July 31, 1892.

In examining the Wallace Burn-Blicken rolls, none of the names herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedmen citizenship can be identified on any Cherokee roll in the custody of this office.

**REMARKS ON FACTS AND CONCLUSIONS:** It is considered that the evidence in this case shows that neither the applicants, Moses, Eliza J. and any Wardrick, George Irons, Nettie Lyons and George W. Lynch, nor the deceased ancestors herein herein named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of *James Whitacre, Trustee, et al. vs. the Cherokee Nation, et al.*, for the return of freedmen to said Nation; and that all the applicants herein, except those last above named, were born before the close of the rebellion and therefore rights to Cherokee freedmen citizenship through their ancestors.

It is, therefore, **ORDERED AND ADJUDGED:** That for the aforesaid reasons set out herein and former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 1 of the Act of Congress approved July 1, 1902 (34 Stats., 137), Moses Wardrick; Eliza J. Wardrick; Sarah Near; Nelson Wardrick; LeRoy Wardrick; Eliza Wardrick; Eliza Wardrick; Leona Wardrick; Eliza J. Wardrick; Arthur Lynch; Daniel Lynch; Nettie Lynch; Claud Lynch; Mary Wardrick; Isaac Lonien; Jackson Lonien; George Irons; Nettie Irons; Nettie Irons; Elvora Nivens; Nettie Nivens; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Elias Lyons; Nelson J. Lyons; Altha Moore; Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (34 Stats., 716), the application for the enrollment of Valinda Wardrick should be, and the same is hereby dismissed.

*Tame Eixby.*  
Commissioner.

Taken at Muskogee, Indian Territory

this FEB 10 1905

# **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 Landrum,  
Care, I.T.  
Cherokee-D-252  
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

COPY.

Cherokee Freedmen

D-252.

Muskegee, Indian Territory, April 18, 1905.

Rachel Landrum,

Chaffee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of ~~the Commission to the Five Civilized Tribes, dated April 18, 1905,~~ rejecting, among others, the application for your 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, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

*Tams Bixby*  
Chairman.

Incl. 6-94

Register

COPY.

Cherokee Freedmen

D-261, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Ned Lyons, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905 rejecting, among others, the application for the enrollment of Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, 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,

Incl. 8-98

Register

(SIGNED)

*Tams Bixby.*  
Chairman.

COPY.

Cherokee Trade Area

B-36, et al.

Waskom, Indian Territory, April 10, 1908.

Wells, Hastings & Favenport,  
Attorneys for the Cherokee Nation,  
Waskom, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of  
the Commission to the Civ. Service Commission, dated April 10, 1908,  
relating to the application for the appointment of Henry, George  
H. Irons, Edward J. Irons, William H. Irons, Richard and Mollie  
H. Irons, John and William J. Irons, Leola J. Irons, Altha and  
Oscar Irons, George L. Irons, Mollie J. Irons, and Charles  
H. Irons.

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

Respectfully,

Incl. 5-101

(SIGNED)

*Tams Bixby*  
Chairman.





( C O P Y )

DEPARTMENT OF THE INTERIOR:

LAND  
30679-1905

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 3, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jennanna Irons for her husband, George Irons, her step-children, Bertina and Nettie Irons, and her step-grandchild, Elmore Nivens; by Bettie Hayes for herself; by Ernest Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Lancaster for herself; by Elias Lyons for himself and his minor child, Nelson J. Lyons; by Albin Core for himself and brother Oscar Core, and by George W. Lynch for himself and his minor children, Rosetta and Eliza Lynch.

April 18, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants George Irons, Bettie Hayes and Richard and Mollie Nero (or Irons) are all the children of one Nero Irons, deceased; that the applicants, George Irons and Bettie Hayes were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation

Nation during the war and did not return thereto on or before February 11, 1867; and that the applicants, Richard and Mollie Nero (or Irons) are included in a partial list of Creek Freedmen approved by the Department March 13, 1902, at Nos. 2173 and 2238 respectively, and have accepted their allotments of lands in the Creek Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and Winnie Irons, born Lyons, deceased, were born since 1880 and possess no rights to enrollment other than as descendants of their parents; that Winnie Irons, deceased, was born since 1866 and was the daughter of Jeff and Mahala Lyons, both deceased; that Jeff and Mahala Lyons were the slaves of Cherokee citizens at the beginning of the war, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicant, Elvora Wivens, is an illegitimate child of Bertha Irons and after ample opportunity it has not been established that she possesses any rights to enrollment other than as a descendant of her mother.

The record further shows that the applicants, Ned Lyons, Rachel Lyons and Elias Lyons are children of Jeff and Mahala Lyons, deceased, were born since the beginning of the war, and possess no rights to enrollment other than as descendants of their parents. The minor applicant, Nelson J. Lyons, is a child of Elias Lyons and one Martha Lyons, was born since 1880 and possesses no rights to enrollment other than as their descendant.

-3-

On May 26, 1904, the Department approved the rejection of the Cherokee Freedman case of Martha Lyons (I.T.D. 4228-1904)

The evidence further shows that the minor applicants Altha and Oscar Moore, are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father, that Mike Moore was the slave of a Cherokee citizen at the beginning of the war was taken from the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The evidence further shows that the applicant, George W. Lynch, (son of Mahala Lyons), was the slave of a Cherokee citizen at the beginning of the war, was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

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

Very respectfully,

C. F. Larrabee  
Acting Commissioner

M.M.M.

W

( COPY )

D.C. 18899-1906

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

JSJr.  
LLB

I.T.D. 8058, 8603, 8741-1905  
1867, 1895, 4667-1906.

L. R. S.

May 11, 1906

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

Sir:

On April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case of George Irons, et al., including its decision of the same date, rejecting the applications for the enrollment of George, Bertie, and Nettie Irons; Elmer Elyens; Nettie Hayes; Richard and Mollie Lero; Ned, Elias, and Nelson J. Lyons; Rachel Landrum; Altha and Oscar Moore, and George W., Rosetta, and Eliza Lynch as Cherokee Freed men.

Reporting July 3, 1905, the Indian office recommended that the decision of the Commission to the Five Civilized Tribes be approved. A copy of its letter is enclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for a review of the Commission's decision relative to George Irons et al. On the same date they also filed a motion for a review of the decision relative to Elias Lyons et al.

Under date of February 15, 1906, the attorneys for the applicants filed a motion for a new trial in the cases of Altha

and Oscar Moore, and on February 16, 1906, also filed a motion for a new trial in the case of George Irons, et al.

The motions for review filed September 7, 1905, are hereby reviewed.

A consideration of the motions for a new trial, together with the record, shows a sufficient reason for a review and re-adjudication of the consolidated case. You are therefore directed to require the applicant herein for a writ and his attorneys for the nation to deliver and certify to the court their desire to submit relative to the return to the Cherokee nation of George Irons, Jeff and Mahala Irons, and his heirs, and also as to whether they will claim slaves of Cherokee of Irons. You will also follow up all parties in interest of the points in issue.

Under date of April 27, 1906, the attorneys for the applicants forwarded a request to the Department that in the event of favorable action upon the motion for review in this case, it be consolidated with the case of Moses Harriet et al., which was remanded to you for rehearing on April 5, 1906, as the principal ancestors in both cases are alleged to have returned from Spain in the same party, and the testimony in both cases being practically the same, the applicants, who are poor people, would avoid great expense.

In the absence of further material objections, you will grant said request.

The record, together with the motions, are returned herewith

Respectfully,

4 inclosures

JESSE E. WILSON  
Assistant secretary

-Copy-

J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D.C.20043.  
I.T.D.8056-1906.

May 16, 1906.

L.R.S.

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

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedman case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

2 inclosures.



T.C. 1944e.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36  
Bettie Hayes----- F. D. 87  
Richard Nero (or Irons) F D 1328  
Ed Lyons F D 511  
Machel Landrum F D 252  
Elias Lyons et al F D 263  
Altha Moore et al F D 357  
George F. Lynch et al F D 731.

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Wardrick cases advising the Department that Moses Wardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the Summer or early fall of 1865 and came to the

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten

Attorneys for applicants.

Cherokee Freedmen  
R 36

Muskogee, Indian Territory, May 24, 1906.

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown to the Department, a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens".

The Department further states that on April 25, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedman citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 16, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick cases, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irons cases, if you so desire. If it is your desire to introduce in the

Irons cases witnesses other than those mentioned by you in your letter of May 16, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMB

Encl. B 74

Cherokee Freedmen  
R 36 et al.

Muskogee, Indian Territory, May 24, 1906 .

Roll, Hastings & Davenport,

Attorneys for Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Alth. and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reasons

Bell, Hastings and Davenport--2.

being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the matter for review in the Irons case, it be considered with the case of Moses Harriek, et al., which was remanded to this office for rehearing April 6, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Office of the Commissioner at Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Harriek cases.

In a letter dated May 19, 1906, from Starr and

Bell, Hastings and Davenport--3

Patten, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

IMB

Acting Commissioner

Encl. 2 78



( COPY )

Vinita, I.T. May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Irons et al. as Cherokee Freedmen, we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the Honorable Commissioner at the time this cause is set for re-hearing :

Calvin Ross, . . . . . Iola, Kansas.  
Elizabeth Thomas/ . . ? . . Iola, Kansas.  
John C. Thomas, . . . . . Iola, Kansas,  
Mrs. Sarah Bird . . . . . R.F.D. #3, Longton, Kansas,  
Phelix Lorance . . . . . R.F.D. #5 Howard, Kansas.  
James Cristy . . . . . Geneva, Kansas.  
Jacob Morris Sr., . . . . . Iola, Kansas,  
John Walters,-- Table Mound Cement Works, Independence Kans  
Mrs. Maggie Barville, . . . . Iola, Kansas.  
Andy Fry, . . . . . Ketchum, I. T.  
Millie Fry . . . . . Ketchum, I. T.  
Tobias Bean . . . . . Ketchum, I. T.  
Leander Bean . . . . . Ketchum, I. T.  
Thomas H. Moore, . . . . . Ketchum, I. T.  
Rosa Moore, . . . . . Ketchum, I. T.  
Synthia Lynch, . . . . . Ketchum, I. T.  
Simon Lynch, . . . . . Ketchum, I. T.  
T. . Thompson, . . . . . Vinita, I. T.  
Arthur Bean . . . . . Ketchum, I. T.  
Joe Davis . . . . . Vinita, I. T.  
Bob Downing . . . . . Catala, I. T.  
Jennie Downing, . . . . . Catala, I. T.  
Daniel Sanders,-- . . . . . Centralia, I. T.  
Joseph Bean . . . . . Chaffee, I. T.

We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Respectfully,

Starr & Patten  
Attorneys for applicants

Cherokee Freedmen  
R 36

Waxahatchee, Indian Territory, June 4, 1906

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of  
May 30, 1906, advising the names and addresses of the wit-  
nesses you propose to introduce in the Cherokee Freedmen  
enrollment case of George Irons, et al.

Respectfully,

LMS

Commissioner

Muskogee, Indian Territory, June 4, 1904

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

Gentlemen:

You are advised that this office is in receipt of  
letter from Starr and Patten, attorneys for applicants  
in the Cherokee freedmen enrollment case of George Irons,  
et al., advising that they will introduce the testimony  
of the following witnesses on behalf of the applicants:

Calvin Ross, . . . . . Iola, Kansas  
Elizabeth Thomas, . . . . .  
John C. Thomas, . . . . .  
Mrs. Sarah Bird, . . . . . R.F.D. #3, Longton, Kansas  
Phelix Lorraine, . . . . . R.F.D. #6, Howard, Kansas  
James Cristy, . . . . . Geneva, Kansas.  
Jack Morris, Sr. . . . . Iola, Kansas  
John Walters, . . . . . Table Round Cement Works, Independence,  
Mrs. Maggie Harville, . . . . . Iola, Kansas  
Andy PRY, . . . . . Ketchum, I. T.  
Millie pry, . . . . .  
Tobias Bean, . . . . .  
Leander Bean, . . . . .  
Thomas H. Moore, . . . . .  
Rosa Yeare, . . . . .

Bell, Hastings & Davenport--2

Cynthia Lynch, . . . . . Ketchum, I.T.  
Simon Lynch, . . . . . " "  
T. F. Thompson, . . . . . Vinita, " "  
Arthur Dean, . . . . . Ketchum, " "  
Joe Davis, . . . . . Vinita, " "  
Zeb Downing . . . . . Catale, " "  
Jennie Downing . . . . . " "  
Daniel Sanders . . . . . Centralia, " "  
Joseph Dean, . . . . . Chaffee, I.T., and will re-

call Nelson Gore, witness for the Cherokee nation, for  
further cross examination.

---

Respectfully,

MB

Commissioner

Cherokee  
F R 874 et al.

Muskogee, Indian Territory, July 23, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-25.  
GHL

Commissioner.

Cherokees  
F R 574 et al.

Muskegee, Indian Territory, July 23, 1906.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskegee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-26.  
GHL

Commissioner.

Cherokee F.  
D 252

Muskogee, Indian Territory, February 13, 1907.

Rachel Landrum,

Chaffee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting among others, your application for enrollment as a Cherokee freedman. Your attorneys, Sparr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and they have this day been forwarded 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,

Encl. HJ-31.  
HJC

Commissioner.

Register.

Cherokee F.  
R 574 et seq.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

Respectfully,

Encl. HJ-381  
HJC

Commissioner.



3  
Cherokee F.  
# 574 et al.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

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There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, 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,

Encl. HJ-38.  
HJC

Commissioner.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Welson, LeRoy, William, Mabel, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie, and Claud Lynch, Mary Hardrick, Ames, and Jackson Louisa, George, Bertha and Bettie Irons, Elmera Nivens, Bettie Hayes, Richard and Nellie Here, Ned Lyons, Rachel Landrum, Elias and Welson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch,

as Cherokee freedmen.

On April 5, 1906 (I.T.D. 4968-1904, 8361, 8383, 8415, 8821-1905, 1935, 2830, 8398-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Hardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.T.D. 8058, 603, 8741-1905; 1867, 1895, 4667-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl. NJ-39.  
HJC

Commissioner.

Through the Commissioner  
of Indian Affairs.

(COPY)

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

LAND.  
16327-1907  
19103- "

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedman, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, Le Roy, William, Mable, Leona and Eliza J. Hardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Hardrick, Amos and Jackson Lenien, George, Bertha, and Bettie Irons, Elnera Nivens, Bettie Mayes, Richard and Mollie New, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the Office on February 25, 1907, by McGowan, Servey & Mohun, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. P. Larrabee

Acting Commissioner

FVE--SD

V.H.M.  
J.P.

DEPARTMENT OF THE INTERIOR,  
D.C.12639-1907.

LRS. WASHINGTON.

I. T. D.

5694, 5712, 5714, 5716,  
5726, 5768, 5808, 5822,  
5826, 5836, 5850, 5832,  
5860, 5866, 5870, 5772,  
5880, 5910, 5916, 5934,  
5942, 5946, 5948, 5950,  
5954, 5960, 5970, 5972,  
5976, 5996, 6000, 6002,  
all 1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of case.	Date of your letter of transmittal.
Moses Hardrick, et al. (freedmen),	February 13, 1907.
Alexander E. Anderson,	February 21, 1907.
Emiline Patrick,	February 19, 1907.
Leona Arreta Kincaide,	February 12, 1907.
Neoma Worley Hicks, (freedman),	February 12, 1907.
James McCamish,	February 2, 1907.
George W. Hill,	February 15, 1907.
Lydia M. Ward, et al. (freedmen),	February 12, 1907.
Mary E. Coker,	February 8, 1907.
Charlotte M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Ligon, et al.,	February 15, 1907.
Joseph Henson,	February 14, 1907.
John Karl Redfearn, et al.,	February 15, 1907.
Minnie L. Peace, et al. (freedmen),	February 13, 1907.
Clark E. Germany,	February 19, 1907.
George E. Freeman (freedman),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs, et al.,	January 17, 1907.
Alverts Flemings, et al. (freedmen)	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie F. Powell,	February 14, 1907.
B.H. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Roxie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarence Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jennie E. Wilson,

Assistant Secretary.

32 enclosures, and  
70 enclosures to Ind. Of.,  
with carbon hereof.

A. F. Ms.  
3-2-07.

Cherokee F:  
D 252.

COP:

Muskogee, Indian Territory, March 22, 1907.

Rachel Landrum,  
Chaffee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED *Tams Bixby*,  
Commissioner.

LNC



Cherokee F.  
R 631.

COPY

Muskogee, Indian Territory, March 22, 1907.

Starr & Patten,

Attorney for Moses Hardrick, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, 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. C-49  
LHC

SIGNED

Commissioner.

Cherokee W.  
R 574 et al.

COPY

Muskegee, Indian Territory, March 22, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

SIGNED *Wm. Bixby*  
Commissioner.

Encl. C-50  
LMC

**END  
OF  
REEL**

